Zoning Ordinance – Town of Pownal

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Section 100 – General

101 Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Pownal, Maine."

102 Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VI I I-A of the Maine Constitution, the provisions of Title 30-A, M.R.S.A. Section 3001(Home Rule), Title 30-A M.R.S.A Section 4312 Et Seq. (Growth Management), Title 38 M.R.S.A. Sections 435 et seq. (Shoreland Zoning), Title 30-A M.R.S.A. Section 4401 et seq. (Subdivision), Title 30-A M.R.S.A. Section 4358 (Manufactured Housing), and Title 38 M.R.S.A. Section 1319-P (Hazardous Waste Control). This ordinance also confirms to the current Pownal Comprehensive Plan.

103 Purpose

This Ordinance is designed for all the purposes of zoning embraced in Maine Revised Statutes and has been pursuant to, and to be consistent with, the Comprehensive Plan adopted by the Town of Pownal to provide for the health, safety and welfare of Pownal citizens. Among other things it is designed to:

- Promote the coordinated development of unbuilt areas
- Provide for adequate public services
- Promote traffic safety
- Provide safety from fires and other elements
- Provide adequate light and air
- Promote a wholesome home environment
- Provide an adequate street system
- Prevent overcrowding of real estate
- Prevent housing development in unsanitary areas
- Encourage the formation of community units
- Encourage development that is aesthetically pleasing
- Encourage flexibility of municipal planning
- Conserve the value of lands and buildings
- Protect the environment and conserve natural resources
- Control and minimize noise and light pollution

104 Applicability

The provisions of this ordinance shall govern all land and all structures within the boundaries of the Town. It is the intent of this Ordinance that any use not expressly allowed as either a permitted or special exception use is specifically prohibited.

105 Conflicts with Other Ordinances

Wherever the requirements of the Ordinance appear to be in conflict with any other lawfully adopted statue, rule, regulations, or ordinance, the most restrictive or that imposing the higher standards shall govern, except when specifically provided to the contrary.

106 Rules of Construction

A. Excepted where specifically defined herein, all words used in the Land Use Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

B. The regulations specified by this Ordinance for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.

C. Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this Ordinance notwithstanding the fact that the fee to such land may be in the owner of such lot.

D. No part of a yard or other open space, or off-street parking, or loading space about or in connection with any building and required for the purpose for complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

E. When a lot of record at the time of enactment of this Zoning Ordinance is transected by a zoning district boundary, the regulations set forth in this Ordinance applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than fifty (50) linear feet in depth beyond said zoning district boundary.

F. In any district, notwithstanding limitations imposed by other sections of this Ordinance, single lots of record at the effective date of adoption or amendment of this Ordinance may be built upon, with the approval of the Building Inspector (BI) and/or Code Enforcement Officer (CEO). Such lots shall be in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lots fail to meet the minimum requirements for area or width or both, which are applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulation for the district in which such lot is located. Variance of yard and other requirements not involving area or width shall be obtained only through action of the Board of Appeals.

G. No more than one principal building and its accessory buildings are regulated by this Ordinance may be located on any one lot used as a residential lot, except in cases of a planned

unit development or multiple dwelling units that meet all other applicable sections of the Ordinance.

107 Validity and Severability

In the event that any section, subsection, or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or portion of this ordinance.

108 Amendments

A. This ordinance may be amended by a majority vote of the registered votes of the town.

B. No zoning regulation or amendment thereof shall be adopted until after the Planning Board shall have held a public hearing thereon at least ten (10) days before it is submitted to Town for consideration. Public notice of the hearing shall be made at least fourteen (14) days prior to such hearing in order to meet the requirements of 30-A M.R.S.A. Section 4352.

Section 200 – Administration

201 Administrative Bodies and Personnel

A. Enforcement Officer-

It shall be the duty of the Building Inspector/Codes Enforcement Officer to enforce the provisions of this Ordinance. If the BI/CEO shall find that any of the provisions of this Ordinance are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she may order discontinuance of illegal use of land buildings, or structures, removal of illegal buildings or structures or of any additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by the Ordinance to ensure compliance with or to prevent violation to its provisions.

B. Planning Board-

(RESERVED)

C. Board of Appeals-

There shall be a Board of Appeals of five members and one associate member, all of whom shall be residents of the Town. The members of the Board shall be appointed by the Select Board. Terms of members shall be for 3 years except that initial appointments shall be such that the terms of office of no more than two members shall expire in any single year. The associate member shall be appointed for a term of 3 years and shall act on said Board in place of any member who may be unable to act due to conflict of interest, absence or physical incapacity. The members of the Board shall annually elect one of their number as Chairman to preside at all meetings of the Board. The members of the Board shall annually elect a secretary who shall provide for the keeping of the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the board shall be public record. A quorum shall consist of 3 members.

202 Permits Required

A. Building Permit

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the BI/CEO. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals. No building permit shall be issued for new residential dwelling until such time as a valid plumbing permit has been issued for a system of private sewage disposal by the Plumbing Inspector. In the case of a subdivision, or a site plan, the Planning Board must review and approve the subdivision or site plan in accordance with all applicable land use regulations prior to the issuance of the permit to build. The building permit shall be valid for one year from the date of issuance. If construction has not been completed within the twelve-month period, the permit may be renewed without charge for a second twelve-month period. Thereafter, if substantial construction has not been completed, a new permit shall be applied for and the fee paid. Substantial

construction shall be defined, at a minimum, as the installation of a foundation and shall be determined by the Building Inspector.

B. Certificate of Occupancy

It shall be unlawful to use or occupy or allow the use or occupancy of any building or premises until a Certificate of Occupancy shall have been issued therefor by the Building Inspector and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Ordinance.

1. A Certificate of Occupancy shall be issued in conformity with the provisions of this Ordinance upon completion of the work described in the application for a Building Permit.

2. A temporary Certificate of Occupancy may be issued by the Building Inspector for a period of six months during construction or alterations for partial occupancy of a building pending its completion, provided that such temporary Certificate may require such conditions and safeguards as will protect the health, welfare and safety of the occupants and the public.

3. The Building Inspector shall maintain a public record of all Certificates of Occupancy.

4. Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance.

203 Permit Applications & Fees

A. All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Inspector to determine conformance with and provide for the enforcement of this Ordinance. The provision of this Ordinance related to the issuance of building permits and soils condition shall apply.

B. Unless otherwise noted all fees are set by the Select Board or voted at town meeting. A fee schedule is available and kept on record with the town clerk.

204 Procedure for Administering Permits

The Building Inspector shall issue a building permit if he/she determines that the application complies with the plan approved by the Board. Permit enforcement procedures of the Building Code shall be followed. Failure to comply with any conditions of the Site Plan Review, subsequent to approval of the Plan, shall be construed to be a violation of this Ordinance and shall be the grounds for initiating legal proceedings to enjoin construction or any specific activity violating the conditions of approval, or applying a fine in accordance with the provisions of 30-A M.R.S.A. Section 4452.

205 Expiration of Permits

(RESERVED)

206 Enforcement Procedure

A. Legal Action and Violations

1. Failure to comply with any conditions or requirements of this Ordinance shall be considered a violation of this Ordinance. Legal proceedings shall be initiated to enjoin construction or any specific activity violating the conditions of approval or any other violation of this Ordinance. Violations shall be subject to enforcement under the provisions of 30-A M.R.S.A. Section 4452

2. When any violation of any provision of this Ordinance shall be found to exist, the Building Inspector shall notify the Select Board who may then institute any and all actions to be brought in the name of the Town.

B. Fines

Any person, firm, or corporation being the owner of or having control of or use of any building or premises who violates any of the provisions hereof, shall be subject to a fine of not less than $250 and not more than $1000 for each offense. Each day a violation is permitted to exist after notification thereof shall constitute a separate offense. All fines collected hereunder shall inure to the Town of Pownal. The Town may also seek correction of the violation or any other appropriate relief.

207 Appeals

A. Administrative Body

Appeals shall lie from the decision of the Building Inspector to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provisions of the Maine Revised Statutes.

B. Powers and Duties

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

1. Administrative Appeals. To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector in the enforcement of this Ordinance. The action of the Building Inspector may be modified or reversed by the Board of Appeals, by majority vote.

2. Variance Appeals. To hear and decide, upon appeal, in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in undue hardship. (Disability structure variances go before the CEO pursuant to 30-A M.R.S.A. 4353 and 4353-A.) *Amended 6/18/18*

Undue hardship means:

a. That the land in question cannot yield a reasonable return unless a variance is granted; and

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood and;

c. That the granting of a variance will not alter the essential character of the locality and;

d. That the hardship is not the result of action taken by the applicant or a prior owner.

3. Miscellaneous Appeals. To hear and decide appeals which are authorized in the following situations:

a. Enlargement or re-establishment of a nonconforming use as prescribed by Section 4.

b. Extension of temporary trailer permit as prescribed by Section 5G.

c. Construction in the flood plain as prescribed by Section 13.

4. Conditions. In granting by majority vote any variance, the Board of Appeals may prescribe conditions and safeguards as are appropriate under this ordinance.

5. Considerations. In hearing appeals under this Section, the Board of Appeals shall take into consideration at least the following:

a. The maintenance of safe and healthful conditions.

b. The prevention and control of water pollution and sedimentation.

c. The control of building sites, placement of structures and land use.

d. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.

e. The compatibility of the proposed use with adjacent land uses.

f. The need of a particular location for the proposed use.

g. Access to the site from existing or proposed roads.

h. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.

i. The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.

j. Existing topographic and drainage features and vegetation cover on the site.

k. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.

l. The impact of the proposed use on transportation facilities.

m. The impact of the proposed use on local population and community facilities.

n. The impact of the proposed use on groundwater and surface water quality, as well as local water supplies.

6. In granting appeals under this Section, the Board of Appeals may impose such conditions as it deems necessary in furtherance of the intent and purpose of this Ordinance.

7. Special Exception

a. Before granting any special exception, the Board of Appeals shall inquire with the Town Planning Board for a report on their reason for denying the special exception.

The Town Planning Board report shall be considered informational in character and may take into consideration the effect of the appeal proposal upon the character of the neighborhood or any other pertinent data in respect of the Comprehensive Plan.

b. The Planning Board will hear and decide only those special exceptions which are authorized by the Ordinance and which are specifically listed as special exceptions. To decide such questions as are involved in determining whether such special exceptions should be granted; and by majority vote to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, and Article 4. Site Plan Review Ordinance; or to deny such special exceptions that do not comply with the requirements of this Ordinance and 5. Considerations. Appeals of Special Exceptions shall lie from the Planning Board to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provisions of the Maine revised Statutes. *Amended 6/18/18*

8. The Planning Board report shall be submitted to the Board of Appeals for its consideration no later than the officially scheduled time of the public hearing on the appeal.

208 Administrative Appeals Procedure

A. A request for a hearing before the Board of Appeals shall be accompanied by a fee (see fee schedule) payable in advance by the aggrieved party or parties. In the case of an Administrative Appeal as defined in this Ordinance in Section 208(2)(A), Administrative Appeals, the entire fee will be returned to the aggrieved party upon a favorable finding by the Board. In all other cases the fee is non-refundable. *Amended 6/18/18*

B. In all cases a person aggrieved by a decision of the Building Inspector or Codes Enforcement Officer shall commence his/her appeal within 30 days of the date of the decision. The appeal shall be filed with the Board of Appeals on forms to be approved by the Board, and the aggrieved person shall specifically set forth on said form the grounds for said appeals.

C. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. In special exception appeals the Board of Appeals shall notify by mail the owners of all property within 500 feet of the property involved of the nature of the appeal and of the time and place of the public hearing thereon.

D. In the case of administrative or variance appeals, the Board of Appeals shall notify by mail the owners of property abutting the property for which an appeal is taken of the nature of the appeal and of the time and place of the public hearing thereon.

E. For purposed of this Section, the owners of property to be notified shall be considered to be the parties listed by the Assessor of Taxes as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

F. Following the filing of an appeal, the Board of Appeals shall notify forthwith the Building Inspector/Code Enforcement Officer and the Planning Board, and the appeal shall be in order for hearing at the next meeting of the Board of Appeals following by at least 10 days the mailing of notices.

G. At any hearing a party may appear by agent or attorney. Hearing shall not be continued to other times except for good cause.

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

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

J. A right of appeal under the provisions of this Ordinance secured by vote the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date of which the appeal is granted, and if the work of change is not substantially completed within one year of the date on which such appeal is granted. If the Board of Appeals grants a variance, the applicant must record a copy of the variance in the Registry of Deeds within 90 days of final written approval of the variance of 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 stated on the written approval.

K. If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within six months from the date of denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgement, that an error or mistake of law or misunderstanding of facts shall have been made.

209 Variance Appeals Process

(RESERVED)

Section 300 – Nonconforming Provisions

301 General Provisions

A. No building or structure shall be erected, altered, enlarged, rebuilt, moved, or used and no premises shall be used unless in conformity with the provisions of this Ordinance except those existing, which by the provisions of this Ordinance become legally nonconforming upon its adoption.

B. Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Ordinance and made nonconforming by the provisions of this Ordinance or any amendments thereto, may be continued subject to the provisions of this section.

302 Nonconforming Structures

(RESERVED)

303 Nonconforming Uses

A. If any nonconforming use ceases for any reason for a period of two years or more any subsequent nonconforming use shall only be allowed if it receives approval from the Board of Appeals as a special exception.

B. An existing nonconforming use may be changed to another nonconforming use provided that the Board of Appeals shall find that the proposed use is equally of more appropriate to the zoning district than the existing nonconforming use and provided that the Board of Appeals shall review such change as a special exception.

C. Whenever a nonconforming use is changed to an allowed use, such use shall not thereafter revert to nonconforming status notwithstanding any other provisions of this Ordinance.

D. Any individual use for which an individual special exception has been granted in accordance with this Ordinance shall not be deemed a nonconforming use.

E. The Board of Appeals may grant permission for the enlargement of any use made legally nonconforming by the district provision of this Ordinance. In reviewing all such applications for enlargement, the Board of Appeals shall use the criteria established herein for the consideration of special exceptions.

304 Nonconforming Lots of Record

(RESERVED)

Section 400 – Definitions

Abutter: A person whose property shares all or part of a common lot line with the property under consideration or whose property is separated by a public or private road from the property under consideration and is located wholly or partly opposite the property under consideration.

Accessory Building or Structure: A subordinate building or a portion of the main building, the use of which is incidental to that of the main or principal building. Examples include, but are not limited to Garages, Barns, Workshops and Farm Stands. Accessory buildings and structures are subject to the setback and coverage requirements of the district in which they are located. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. *Rev. 6/21*

Accessory Apartment: See definition for Accessory Dwelling. *Rev. 6/21*

Accessory Dwelling Unit: See Accessory Dwelling. *Rev. 6/21*

Accessory Dwelling: A dwelling, either attached (connected to principal dwelling) or detached which is located on the same lot as the principal dwelling. This definition includes, but is not limited to, guest houses, cabins and cottages. The accessory dwelling and/or the principal dwelling may be rented. The dwelling shall have living, sleeping, sanitary and kitchen facilities for the exclusive use of the unit occupants. The dwelling will have only one bedroom and one bathroom. The accessory dwelling unit cannot exceed 750 square feet. Only one accessory dwelling is permitted per lot. All current codes must be met and an Occupancy Permit must be obtained. Parking must be available on-site. *Rev. 6/21*

Accessory Use: A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use. Accessory uses, when aggregated shall not subordinate the principal use of the lot.

Adjacent Grade: The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Advanced Wastewater Treatment Disposal System: A wastewater treatment system that meets or exceeds the United States Environmental Protection Agency's secondary treatment guidelines for septic effluent when added to a septic tank and disposal field system.

Agriculture: The production, keeping or maintenance, for sale, lease of personal use, of plants and animals useful to people, including but not limited to: forage. sod, seed and grain crops, dairy animals and dairy products: poultry and poultry products; livestock including breeding and grazing of animals, bees, trees and forest products, fruits and vegetables, nursery, ornamental and greenhouse products; or lands devoted to soil conservation or forestry management programs. In the Shoreland Zone, agriculture does not include forest management and timber harvesting activities.

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

Antenna: Any structure or device used for the purpose of the wireless transmitting or receiving electromagnetic waves, digital signals, analog signals or other communication signals, including

but not limited to directional antennas, such as panels microwave dishes, and satellite dishes, and omni-directional antenna, such as whip antennas.

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or any other structure which attaches to a tower and supports one or more antenna(e).

Apartment Building: A building arranged, intended, or designed to be occupied by three or more families living independently of each other.

Applicant: Any person having standing to apply for a review or approval required or provided under this Code. To have standing under this Code, an applicant must have a legal interest in any land, parcel, site, or development subject to any action by the Town of Pownal under this Code. Such interest must be either fee- simple ownership; holder of a valid, enforceable contract (or option agreement) to purchase; or a long-term (i.e.,10 years or longer) exclusive leasehold. Applicants may designate others to represent them in any application under this Code and must do so in writing. The terms *owner, subdivider,* and *developer* are interchangeable with the term *applicant,* unless the context clearly indicates otherwise.

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

Aquifer: A geologic formation, material, or layer that contains a usable supply of groundwater.

Area of Special Flood Hazard: Land in the floodplain having a one percent or greater change of flooding in any given year, as specifically identified in the Flood Insurance Rate Map cited in Article 8 Flood Plain Ordinance, Section 1.

Arterial Street (or Arterial Road): See Street

Backlot: a lot that does not have frontage on a public maintained road. *Amended 6/19/17*

Basal Area: The area of a cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

Base Flood: (also referred to as One Hundred Year Flood): The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent change of occurring in any year). See the current FEMA Map for Zone A for reference. *Rev. 6/21*

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Bed & Breakfast: An owner-occupied or commercial structure built or a dwelling converted for commercial purposes to accommodate, for a free, travelers and other transient guests, who are staying for a limited duration. Amenities would include sleeping and dining facilities and associated services provided for the guests. *Rev. 6/21*

Berm: A narrow shelf or path such as a ledge at the top of the ditch. *Rev. 6/21*

Billboard: A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

Boarding {Lodging or Rooming} House: A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three boarders. This does not include a family living as a single housekeeping unit regardless of whether meals are supplied as part of the fee, or to a health facility licensed by the Maine Department of Human Services.

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

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattels.

Building Envelope: The area of an approved building lot that is not part of any setback requirements, stream or wetland protection zones, excess slope or other buffer areas that have been determined by the Planning Board or the Board of Appeals. Also see Setback definition. *Amended 6/17/19*

Building Inspector: Shall mean this inspector of buildings for the Town of Pownal.

Building Lot Width: Width measured at the point where the main building is closest to the street.

Business and Professional Use: Establishments primarily engaged in rendering services on a fee or contract basis such as, but not limited to: advertising and mailing; building maintenance, employment services; research, or the office of a member of a recognized profession maintained for the conduct of that profession.

Campground: An area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of the applicable Ordinance.

Change of Use: The change from an existing use to another use, including without limitation, the addition of a new use to an existing use. *Amended 6/18/18*

Code Enforcement Officer: Any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Collector Street (or Collector Road): See Street.

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.

Comprehensive Plan: The Comprehensive Plan duly adopted by the Select Board as the Town's official policy with respect to the use and development of land within the Town, as currently exists and as may be amended from time to time.

Corner lots: In districts where yards are required: Such corner lots, located at the intersection of two 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 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 street. All such side yards described above shall conform with the specific regulations related to yard space and related building height contained in the district provisions of the appropriate Ordinance.

Coverage: That percentage of the plot or lot area covered by the building area.

Creation of a new lot: The division of an existing lot or parcel of land into two lots. One of these lots will be regarded as the new single lot and the other will be regarded as the residual lot. A lot may have one of two designations: “Approved for Building” or “Not Approved for Building”.

Development: Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

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

Disability: A disability shall be defined in 5 M.R.S.A §4553-A. *Rev. 6/21*

Disposal: Salvage, process, reduce, recover, incinerate, separate, treat, discharge, dump, spill, leak, or place any hazardous materials into or on the land or in or out of buildings.

District: A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

Driveway: A vehicular access-way serving two lots or less. An entrance or exit used by vehicular traffic to or from property abutting a Town of Pownal public or private road. As used in The Driveway and Driveway Entrance Ordinance, the term includes private residential driveways, as well as commercial and other non-residential driveways, i.e., tote roads or logging roads. Driveways shall not afford road or street frontage.

Dwelling: A building designed or used as the living quarters for one or more families. The term shall not be deemed to include inn or bed and breakfast, or rooming house or temporary trailer. It shall include manufactured housing as defined in the Zoning Ordinance, unless specifically excluded. It shall be attached to an approved foundation. Any axles, wheels, or tires for transportation shall be removed. *Amended 6/18/18; Rev. 6/21*

Dwelling, Accessory: A small dwelling, either attached or detached (unattached) which is part of an existing single-family owner-occupied home on the same lot and which is clearly secondary to the single-family home. The dwelling shall have living, sleeping, sanitary, and kitchen facilities for the exclusive use of the unit occupants. The owner of the primary building may rent the accessory dwelling or the primary building owner may occupy the accessory dwelling and rent the primary dwelling. The dwelling will have only one bedroom and one bathroom. The dwelling can be no more than 625 square feet or 50% of the square footage of the primary dwelling, whichever is more restrictive. Only one accessory dwelling is permitted per lot. All current codes must be met and an Occupancy Permit must be obtained. Parking must be available onsite.

Dwelling, Accessory Attached: A dwelling containing one or more party walls with the primary dwelling and that meets the accessory dwelling requirements above. *Amended 6/18/18*

Dwelling, Accessory Detached or unattached: A dwelling that meets accessory dwelling requirements, is substantially separated from the primary dwelling and is in the same ownership as the primary dwelling. *Amended 6/18/18*

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities including cooking, living, sanitary and sleeping facilities for one family. The term shall not be deemed to

include temporary trailers. It shall include manufactured housing as defined in the appropriate Ordinance, unless specifically excluded.

Easement: The deed use of any designated part of real property of another for a specific purpose. *Rev. 6/21*

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

Engineer: Municipal Engineer or Professional Engineer licensed by the State of Maine. *Rev. 6/21*

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

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

Expansion of Use: The addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

FAA: Federal Aviation Administration.

Family: One or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption or marriage, but no group shall consist of more than five unrelated persons, as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

FCC: Federal Communications Commission.

Flag Lot: A lot along a private road (that intersects with a public road) with a narrow strip of land along the private road. The lot must have a continuous 40' wide strip along the private road that is at least 300' long, which shall be the "front yard" of the lot. The buildable portion of the lot must have a building envelope meeting the applicable setback requirement of the Zoning Ordinance. *Rev. 6/21*

Flood or Flooding: is defined as:

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

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation of runoff of surface waters from any source.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A(1) of this definition.

Flood Elevation Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map {FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see Flood or Flooding).

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain Soils: Soil series as described and identified by the National Cooperative Soil Survey.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway: see Regulatory Floodway.

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.

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

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

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

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

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

Freshwater Wetland: Freshwater swamps, marches, bogs and similar areas, other than forested wetlands, that are inundated or saturated by surface or groundwater at a frequency and for duration

sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Frontage: The portion of a lot's boundaries which abuts a road (public or private) and has a minimum depth of 40 feet. *Amended 6/17/19*

Front yard: The portion of the lot where the required frontage is obtained. *Adopted 6/17/19*

Functionally Department Use: A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, navigation aids, basins and channels, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to inland waters.

Grandfathered clause: Removed by Town Meeting 6/19/17

Groundwater: The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water

Hazardous Materials: Any gaseous, liquid, or solid materials, either in pure form or mixed with other substances, listed in categories 1-7 below:

1. "Type 1 Toxic Materials" shall mean a material which, due to toxicity, ability to harm genetic material, or persistence of a representative sample of a standard leachate from the waste, has any of the properties defined below.

    a. Has a concentration of any substance, for which a federal drinking water standard exists, greater than or equal to 10 times that drinking water standard.

    b. Has a concentration (mg/1) of any substance in the NIOSH Registry of Toxic Effects of Chemical Substances ("Registry") greater than or equal to 0.35 times the lowest oral mammalian LO 50 expressed in mg/kg units for that substance.

    c. Has a concentration (mg/1) of any substance equal to 10 times the lowest 96-hour LC50 (mg/1) for that substance as listed in the "Registry."

2. "Type 2-Reactive Materials" shall mean a material which has any of the following properties:

    a. Materials which in themselves are normally unstable and readily undergo violent chemical change but do not detonate. Also, materials which may react violently with water, which form potentially explosive mixtures with water, or which generate toxic fumes when mixed with water.

    b. Materials which in themselves are capable of detonation or explosive reaction but require a strong initiating source or which must be heated under confinement before initiation or which react explosively with water.

c. Materials which in themselves are readily capable of detonation or of explosive decomposition or reaction at normal temperatures and pressures.

d. Reactive materials can also be identified by the following tests:

i. Thermally unstable liquid materials can be identified using the JANAF (Joint Army-Navy•Air Force) LP. Test No. 6.

ii. Thermally unstable liquid or nonfluid materials can be identified using the protocol specified in ASTM Standard Method E-476-73.

iii. Materials unstable to mechanical shock can be identified using the Picatinny Arsenal Impact Test (Picatinny Arsenal Technical Report No. 1740 (Revision 1) (1958), or the Bureau of Mines Impact Test (U.S. Bureau of Mines Bulletin 346 (1931).

3. "Type 3 - Radioactive Materials" shall mean low level liquid and gaseous radioactive materials and high-level solid liquid or gaseous materials. Low level liquid and gaseous radioactive materials shall mean all liquid and gaseous materials that exceed the maximum permissible concentrations for discharge to unrestricted areas as listed in Appendix B, Table II, Columns 1 and 2 of Title 10, part 20 of the Code of Federal Regulations except that defined as high level liquid or gaseous radioactive waste. High level liquid and gaseous radioactive waste includes the liquid and gaseous wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing of irradiated reactor fuel; and, any other radioactive waste which the Planning Board shall subsequently specify as high level radioactive waste as adopted by order of the Pownal Town Meeting.

4. "Type 4 - Flammable Waste" shall mean any waste such that any sample of that waste has a flash point less than 140 degrees Fahrenheit (60 degrees centigrade) determined by the Pensky-Martens closed Cup Tester, using the protocol specified in ASTM Standard D-93-73.

5. "Type 5- Corrosive Waste" shall mean any waste such that any sample of that waste has either of the following properties:

a. A pH less than 2. or greater than 12. as determined by the pH meter, using the protocol specified in the "Manual of Methods for Chemical Analysis of Water and Wastes" (EPA-625-16-74-003).

b. A corrosion rate greater than 0.250 inch per year on steel (SAE 1020) at a test temperature of 130 degrees Fahrenheit as determined using the protocol specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69.

6. "Type 6 -Infectious Waste" shall mean any waste which is generated from the following sources:

a. Health care facilities - Certain department of hospitals as defined by Standard Industrial Classification (SIC) Codes 8062 and 8069 in "Standard Industrial Classification Manual, 1972" U.S. Government Printing Office, Stock No. 4101-0066.

i. Obstetrics department including patients' rooms

ii. Emergency department

iii. Surgery department including patients' rooms

iv. Morgue

v. Pathology department

vi. Autopsy department

vii. Isolation rooms

viii. Laboratories

ix. Intensive care unit

x. Pediatrics department

b. Laboratories, as defined by SIC codes 7391, 8071 and 8922 but does not include any waste is discharged directly to an underground septic system at the site at which it is generated.

7. "Waste Oil" shall mean discarded oil generated by residential, institutional, commercial, industrial, agricultural sources or oil recovered from spills.

Health Facility: A facility licensed by the Department of Human Services to provide lodging, food and medical and nursing services to residents requiring supervised care.

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

Height, Wireless Telecommunication Tower: The vertical distance measured from the lowest point within ten (10) feet of the base of the structure on the ground to the highest point of the tower, including the base pad, all antennas and other attachments. When towers are mounted upon buildings or other structures, the total vertical height is measured from the lowest point within ten (10) feet of the ground level of the supporting structure to the highest point of all appurtenances on the tower.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or

b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An accessory use of a dwelling unit or an accessory building for gainful employment involving the manufacture, provision or sale of goods and/or services. It is clearly incidental and secondary to the use of the dwelling unit for residential purposes. It is so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a sign as permitted under the Site Plan Review Ordinance.

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

Industrial: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals within a shoreland zone.

Inn: A commercial structure built or dwelling converted for commercial purposes to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration. The structure, which is not a bed and breakfast as defined herein, which offers transient lodging accommodations to the general public. *Rev. 6/21*

Lot: A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by the Zoning Ordinance, and having frontage upon an approved street.

Lot Approved for Building: A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, which has met all applicable ordinances and all applicable state and federal requirements and standards.

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

Lot Not Approved for Building: A parcel of land that does not meet, or has not yet been demonstrated to have met, all applicable Pownal ordinances, state and federal requirements and standards. Some examples of lots which may be classified as not approved for building are: woodlots, cemeteries, gift lots, bequest lots, lots annexed by abutters or lots which do not conform to Pownal ordinances at the time of application to create the new lot.

Lot of Record: A lot that has been registered in the Cumberland County Registry of Deeds.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article 8, Section 6.K. of the Shoreland Zoning ordinance.

Manufactured Housing: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also include park trailers, travel trailers, and other similar vehicles places on a site for greater than 180 consecutive days.

Manufactured Housing Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. For floodplain management purposes the term

manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. A manufactured housing park shall be regarded as a subdivision and be subject to all applicable state and local codes and ordinances.

Manufactured Housing: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing. Types of manufactured housing include, but are not limited to, single and double wide mobile and modular homes used as dwellings, which meet the certifications described below. Siting requirements for single wide manufactured housing are set forth in Article 12, Mobile Home Park Ordinance.

The following standards shall apply:

1. The wheels, any undercarriage or transported unit and the tongue shall be removed and the unit shall be placed on a permanent foundation containing, at a minimum, a 4' masonry frost wall completely surrounding the perimeter of the unit and extending up to the floor of the unit.

2. The roof pitch shall be at least 1:4.

3. Roof shingles shall be either asphalt composition shingle or other approved roofing material.

4. Exterior wall surfaces shall be covered with materials similar to residential, site-built dwelling. They may include, but are not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles or shakes or similar materials, but shall not include smooth, rubbed or corrugated metal or plastic panel, except as permitted above.

5. The minimum horizontal dimension of the unit as installed on the site is 14 feet.

6. The minimum floor area of the unit shall be 750 square feet.

Manufactured Housing Duplex: A structure which is designed to contain two attached dwelling units and is created by the combining of two or more manufactured housing sections. A duplex shall not consist of one manufactured housing unit and one site-built unit. Additions, however, such as porches, decks and garages may be site built and attached to the units. Duplexes shall not consist of two single wide manufactured housing units attached at the narrow ends.

Manufactured Housing, Multi-family: A development consisting of more than two dwelling units and constructed by the attachment of more than two manufactured housing units. This development is subject to site plan and subdivision review. The design of the development shall be similar to that of site-built housing. Units shall not attach at the narrow ends

Manufacturing: Establishments engaged in the mechanical or chemical transforming or materials or substances into new products including the assembling of component parts, the manufacture of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

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

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minor Dead-End Street 600 Feet or Less: A private street or road that is accessed only from a Town of Pownal public street or road and that is constructed according to at least the minimum town standards as detailed in Appendix A of the Public and Private Roads Ordinance in the Table, 'DESIGN AND CONSTRUCTION STANDARDS FOR STREETS'; in the Graphic, 'GEOMETRIC STANDARDS – STREETS' and in the List, 'CONSTRUCTION NOTES AND SPECIFICATIONS FOR DEAD END ROADS 600 FEET OR LESS'.

Minor Development: All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in §610(C), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

Minor Street {or Minor Road): See Street

Mobile Home: A type of manufactured housing constructed after June 15, 1976, which the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development Standards. The manufacturer shall voluntarily file a certification required by the secretary of the U.S. Department of Housing and Urban Development that the unit(s) complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S. Code, Title 42, Section 5401, et. seq. A mobile home is built on a permanent chassis, including framework, which permits its being towed in one or more sections on a public street or highway and is designed to be used as a permanent dwelling unit when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. A mobile home shall be construed to remain a mobile home subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed.

Mobile Home, Single-Wide: A single unit, designed for single family occupancy, which is at least 14 body feet or more in width and is 750 square feet or more in area and conforms to all of the certification requirements in the definition of "mobile home" and to all of the standards and siting requirements set forth in the appropriate Ordinance.

Mobile Home, Double-Wide: Two or more units which, when joined together, form a single structure designed for single family occupancy and meet the certification requirements in the definition of "mobile homes" and the standards in the definition of "Manufactured housing". A double wide mobile home shall have a minimum length and width dimensions of 24 feet each and shall be at least 750 square feet in area. Double wide mobile homes may be located in any district where dwellings are permitted.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of three or more mobile home units. A mobile home park shall be regarded as a subdivision and be subject to all applicable state and local codes and ordinances.

Mobile Home Park Lot: The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. Lots must be designated on a mobile home park plan.

Mobile Home Subdivision or Development: A parcel of land approved by the municipal reviewing authority under the requirements of §604 for the placement of manufactured houses on individually owned lots.

Modular Home: A type of manufactured housing, transportable in one or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on a foundation when connected to required utilities including the plumbing, heating, air-conditioning or electrical systems contained therein. A modular home must be certified by the manufacturer that it was constructed in compliance with the State's Manufactured Housing Act and regulations.

Modular Home, Single-Wide: A single unit, designed for single family occupancy, which is at least 14 body feet or more in width, is 750 square feet or more in area and conforms to all the certifications, standards and siting requirements set forth in the appropriate Ordinance.

Modular Home, Double-Wide: Two or more modular units which, when joined together, form a single structure designed for single family occupancy and meet the certifications and standards set forth in the appropriate Ordinance. A double wide modular home shall have minimum length and width dimensions of 24 feet each and shall be at least 750 square feet in area. Double wide modular homes may be located in any district where dwellings are permitted.

Multi-unit residential: a residential structure containing a minimum of three (3) and no more than six (6) residential dwelling units. *Amended 6/18/18*

National Geodetic Vertical Datum (NGVD): means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called"1929 Mean Sea Level (MSL)".

Net Developable Area: The gross available acreage less the areas or portions of the site which are unsuitable for development, such as, but not limited to:

1. Area required for streets (public or private)

2. Limiting topographical, drainage or subsoil features. Examples: bedrock within 6 inches of surface, slopes in excess of 20%, water at surface for all or part of the year, unstable soils, rights of way or easements, Resource Protection Districts (not any associated 250' setback area), land which is cut off from main parcel by road or waterway which acts as a major barrier to common use. Amended 6/18/18

The Codes Enforcement Officer shall make the final interpretation and determination of net developable acreage for a single lot and may seek the review and advice of the Planning Board in doing so.

Net Residential Acreage: The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development determined as follows:

1. Area required for streets or access.

2. Areas unsuitable for development in their natural state because of topography, drainage or subsoil conditions. Specific conditions include but are not limited to:

   a. Slopes in excess of 20% *Amended 6/18/18*

   b. Water table at the surface for all or part of the year.

   c. Unstable soils.

3. Land in rights-of-way or easements.

4. Land which is cut off from the main parcel by a road or waterway, which acts as a major barrier to common use. *Amended 6/18/18*

The Planning Board shall make the final determination of net residential acreage. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation, it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage.

~~**Net Residential Density:** Net residential density shall mean the number of dwelling units per net residential acre.~~

New Construction in a Floodplain Zone: structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

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

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

Non-Conforming Use: use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is permitted to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. (There is another definition for N-C Use in the Zoning Ordinance)

Normal High-Waterline: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. 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.

Open Space: Any parcel or area of land or water, natural or improved and set aside, dedicated, designated, or reserved for the use and enjoyment of all the residents of the development or the public in general. *Rev. 6/21*

Open Space, Common: Open space usable by all people within a certain development and such area is owned in common by all property owners in that development and is restricted from development. *Rev. 6/21*

Open Space, Natural Area: Open space areas required for the preservation and conservation of plant and animal life, including the habitat for fish and wildlife species; and areas required for ecological, cultural and other specific study purposes for long-term public benefit. *Rev. 6/21*

Open Space, Public: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses. *Rev. 6/21*

Owner: Any person, firm, corporation or other legal entity which controls a parcel of land by a fee or less than fee title, or is party to a valid contract or option to purchase said title.

Parking Space: Parking space shall mean an area of not less than 200 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year-round.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development. Examples may include and are not limited to: any form of security, including a performance bond, cash escrow, assignment of funds or irrevocable letter of credit, in an appropriate amount and in a form that is satisfactory to the town. *Rev. 6/21*

Permanent Foundation: Permanent foundation means all of the following:

1. A full, poured concrete or masonry foundation;

2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;

3. A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soils with high frost susceptibility; and

4. Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning

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

Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high- water line or within a wetland:

1. Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

2. Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal Structure: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

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

Private Road: A road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency. A private road has not been given to a government entity (like a county or city) and accepted by that entity for public use. Some private roads are used by the public, but should be closed off at least once a year to prove that an easement of use is not permitted and to prevent a prescriptive easement (taken by continued use from arising).

Prohibited Use: A use that is not either a permitted use or special exception use in a zoning district.

Public Facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Utility Facilities: A facility, whether publicly or privately owned, which provides direct or indirect utility service to the public, such as, but not limited to, sewage and water pumping stations and treatment facilities, telephone electric equipment structures, electric equipment structures, electric power substations and transformer stations, and major electrical power lines or pipelines whose major purpose is transport through a municipality. Local utility transmission lines are excluded from this definition. Wireless telecommunications facilities are not considered public utility facilities.

Public Road: Any street or highway that is open to the public and is controlled and maintained by some level of government.

Recreation: Primitive or outdoor recreation is defined as activities done for one's enjoyment, such as, but not limited to, biking, cross-country skiing, snowshoeing, snowmobiling, horseback riding, hunting fishing, canoeing, viewing nature, picnicking.

Public Recreational Structure: and/or facilities are located on land owned by the Town, State or Federal Government to be shared by all people.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Regulatory Floodway:

1. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

2. In Zone A riverine areas, the floodway is considered to be the channel of a river or other water course and the adjacent land area to a distance of one-half the width of the floodplain, as measured from the normal high-water mark to the upland limit of the floodplain.

Residual Lot: The remainder of the original parcel after the new lot has been created. The residual lot retains the original tax map and lot number. Any residual lot that contains a residential, commercial, industrial or institutional building must be a conforming lot under the standards at the time of its creation.

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

Residual Basal Area: the sum of the basal area of trees remaining on a harvested site.

Restaurant: A commercial establishment where food and drink are prepared, served and consumed primarily within the building as a principal use. Outdoor seating and carry out are permitted. Drive through facilities are prohibited. *Rev. 6/21*

Resubdivision: (also known as amended subdivision) The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

Retail Sales & Services: Any business engaged in the sale of goods or services to the ultimate consumer for direct consumption and/or use.

Right-of-Way: An area of strip of land described in a recorded deed and dedicated to the purpose of providing access to a parcel of land other than the land on which the right-of-way crosses. No land in the right-of-way may be used to meet any dimensional requirements.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Riverine: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Service Drop: any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service

   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

   b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: A defined perpendicular distance from property lines, boundary, stream, wetland protection zones, excess slope or other buffer areas that have been determined by the Planning Board or Board of Appeals. *Adopted 6/17/19.*

Shoreland Setback: For Shoreland Zoning Ordinance purposes, the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area. *Amended 6/17/19*

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

Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of stream.

Sign: Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word 'sign' does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious campaigns, drive, movement, or event.

Significant Wildlife Habitat~~:—~~": "Significant wildlife habitat," as that term is defined in 38 M.R.S. § 480-B(10), as amended.

Single Lot: Any division of land that results in the creation of a new lot that is not:

1. part of an existing subdivision approved by the Town; or

2. a division that will cause a subdivision as defined by Title 30-A M.R.S.A. Section 4401.

Any single lot that falls within this definition is subject to the requirements of the Single Lot Ordinance, §605.

Site Built Structures: A structure which is constructed on the site where it will be located as opposed to a structure which is wholly constructed away from the site and later transported to the site where it will be permanently affixed. Site built structures may include prefabricated sections such as walls or roof trusses, but not fully finished sections such as the two sections of a double wide manufactures home which must be joined together at the site.

Solar Collector: A device or combination of devices, structures, or part of a devise or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes to a building's, properties or community's energy supply. *Rev. 6/21*

Solar Energy System: A complete system or assembly consisting of a solar energy collector, an energy storage facility (when used) and any related components for converting and distribution of sunlight into electricity. *Rev. 6/21*

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighbors, would promote the public health, safety, welfare, morals, order, comfort,

convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions, if specific provision for such special exceptions is made in the Zoning Ordinance. The Planning Board administers special exceptions. *Amended 6/18/18*

Special Flood Hazard Area: see Area of Special Flood Hazard.

Start of Construction: the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Storage of Hazardous Materials: The placement of materials in drums, tanks, lagoons, or other structures intended to retain the materials for subsequent use or disposal, regardless of their location in the ground or in a building or other physical location.

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 the United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another water body or wetland within a shoreland zone.

Street: A public or private road which affords the principal means of access to abutting properties and the existence of which is of record in the Cumberland County Registry of Deeds.

Street (or Road), Arterial: An arterial street or road is one that should be expected to provide for relatively high overall travel speeds with minimum interference to through-traffic. Arterial roads should form a “continuous road network,” and these routes should be given preferential treatment over collector and local roads in the signing and signalizing of intersections. The intersection of local road directly with principal arteries should be discouraged. Local road access to an arterial should be provided primarily through the collector road network.

Street (or Road}, Collector: A collector street or road is an intermediary road providing service to rural areas. They carry internal traffic from areas having a predominant land use such as schools and shopping centers to more highly traveled arterial roads.

Street (or Road}, Minor: (aka Local Street or Road): Minor streets constitute all streets or roads not classified as arterials or collectors.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as

decks and satellite dishes. For floodplain management purposes: a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Subdivision: "Subdivision means the division of a tract or parcel of land in single ownership into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. The term "subdivision" also includes all additional criteria pursuant to Title 30-A, Section 4401

Subdivision, Conservation~~Major~~: Any subdivision containing ~~more than~~ five (5) or more lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor: Any subdivision containing not more than four~~five~~ (4~~5~~) lots.

Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Substantial Reconstruction of a Road: Any activity related to reclaiming and restoring a sub-par functioning, dilapidated or unsafe road to a safe state of repaid to support normal speeds for all types of vehicles for local access travel. Substantial reconstruction may include excavation, recycling or re-grading or roadway base materials and the collection, re-grinding, re-layment or re-grading of roadway surface materials.

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

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public

sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MSRA Chapter 13, subchapter 1.

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

Technical Review/Engineering Peer Review: Professional expert consultant or consultants who shall be chosen by the Planning Board for the purpose of reviewing, commenting and making recommendations to the Planning Board with respect to approval of land development and subdivision applications.

The practice of obtaining an independent, unbiased evaluation of the adequacy and application of scientific or engineering principles, standards and judgment from an independent group of professionals having substantial experience in the same field of expertise.

This may include but is not limited to detailed review of proposed Master Development Plans, Site Plans, Preliminary Plans, Improvement Plans and Final Plans by the Planning Board, for compliance with Town Ordinances, Standards, or conditions of approval by the Planning Board. *Rev 6/21*

Temporary Trailer: Any structure intended for, or so constructed that it will be suited for living or sleeping quarters, mounted upon wheels or any other device upon which it may readily be transported, either by its own power or otherwise, but excluding any structure operated upon fixed rails. Its purpose is to provide temporary shelter under the provisions of Section 4G. It is not considered manufactured housing and is not permitted to be used as permanent housing.

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Trailer: Trailer shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a temporary dwelling for one or more persons, and which cannot readily be connected to a common sewer and water service. This definition shall apply whether the trailer is placed on a foundation or not.

Tributary Stream (Shoreland Zoning Ordinance): 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 the Shoreland Zoning Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland Edge: The boundary between upland and wetland.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Use of Hazardous Materials: The employment of materials regulated by The Pownal Hazardous Materials Control Ordinance, §611.

Variance: A relaxation of the terms of these codes where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship. Amended 6/18/18

Vegetation: all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.

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

Waiver: The intentional and voluntary giving up of something, such as a right, either by an express statement or by conduct (such as not enforcing a right).

Waste: Waste is any garbage, refuse, sludge or solid, liquid, semi-solid or contained gaseous material resulting from industrial, commercial or mining operations, or from community activities, which is discarded or stored prior to being discarded, is disposed of, or is a manufacturing or mining by-product.

Water body new wording: Any natural or artificial body of water, whether permanent or temporary.

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.

Watershed: The land area that drains, via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland. A watershed includes both the land and the body of water into which the land drains. Watershed condition reflects a range of variability from natural pristine (functioning properly) to degraded (severely altered state or impaired). The three watersheds regulated by this Ordinance include Chandler Brook, East Branch Chandler Brook, and the Cousins River watersheds.

Wetland: A freshwater wetland.

Wireless Telecommunications Facility: A facility that transmits, receives, distributes, provides or offers telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, together with the facility's associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lighting roads, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals; wireless telecommunication towers, antenna support structures and other structures supporting said equipment and any attachments to these structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveway and roads and other accessory features.

Wireless Telecommunication Facility {Co-Located) (Regulation of Wireless Telecommunications Facilities Ordinance): A wireless telecommunications facility that includes a telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

Wireless Telecommunication Tower {"Tower") (Regulation of Wireless Telecommunications Facilities Ordinance): Any new or existing ground mounted or structure mounted pole, spire, structure, or combinations thereof, designed and constructed primarily for the purpose of supporting, fixing or attaching one or more antennas, including supporting lines, cables, wires, brace and masts. The term includes, but is not limited to, radio and television transmission towers,

microwave towers, common carrier towers, cellular towers, personal communications service towers, and other similar towers.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

Yard Front: An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. The required front yard depth must extend along the entire required street frontage.

Yard Rear: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of lot.

Yard Side: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

100-year Flood – see Base Flood.

Section 500 – Zoning Districts

501 Establishment of Zoning Districts

To implement the provisions of this Ordinance the Town is hereby divided into the following classes of Districts:

1. Village District, (V)

2. Rural District (RA)

3. Rural District (RB)

502 Establishment of an Official Zoning Map

The districts above are shown upon a map entitled “Zoning Map of the Town of Pownal, Maine” dated May 2014 and filed in the office of the Town Clerk. Said map is hereby incorporated in and made a part of this Ordinance and shall be final authority as to the current status of district locations.

503 Zoning District Boundaries

Where uncertainty exists with respect to district boundaries as shown upon the above map the following rules shall apply:

A. Unless otherwise indicated, district boundary lines are the center line, plotted at the time adoption of this Ordinance, of streets, alleys, parkways, waterways or right-of-way of public utilities and railroads or such lines extended.

B. Other district boundary lines which are not listed in the preceding 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 office of the Town Clerk. In absence of a written dimension, the graphic scale on the official Zoning Map shall be used.

504 Zoning Districts

A. Village District (V)

1. Purpose-

To provide a central village area in which a variety of community and service uses may be located in accordance with the performance standards of this Ordinance.

2. Permitted Uses

a. Dwellings and detached Accessory Dwelling Units, except mobile home parks.

b. Community buildings including public and semi-public uses, churches, places of assembly and recreation (exclusive of drive-in theaters and fairgrounds).

c. Professional and business uses.

d. Inns and Bed & Breakfast.

e. Accessory uses and buildings.

f. Home occupations.

3. Special exceptions

a. Cemeteries.

b. Industry and Manufacturing activities.

c. Used car sales.

d. Public utility installations.

e. Construction in a floodplain as defined under Section 13A of this Ordinance.

4. Dimensional Standards

The performance standards contained in this Section shall apply to all districts, uses and activities, unless otherwise specified, whether or not specific approval or a permit is required.

a. Minimum Lot Area

i. Single Family Dwelling: 90,000 sq ft Amended 6/18/18

ii. Two-Family Dwelling: 150,000 sq ft Amended 6/18/18

iii. Non-residential uses (exclusive of manufacturing): 90,000 sq ft

iv. Manufacturing: 90,000 sq ft

b. Minimum Net Residential Area

The Codes Enforcement Officer or the Planning Board shall make the final determination of net residential acreage/area. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation,

it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage/area. The following densities are necessary because of the limited availability of soil suitable to on-site septic systems and the limited number and size of aquifers and aquifer recharge areas:

i. Single Family and Two-Family Dwellings: 90,000 square feet for the first unit, 60,000 square feet for each additional unit.

ii. Detached Accessory Dwelling: 150,000 sq ft

c. Maximum Lot Coverage

i. Single Family and Two-Family Dwelling: 20%

ii. Non-residential uses (exclusive of manufacturing): none

iii. Manufacturing: Any manufacturing facility shall provide two square feet of open space for each one square foot of industrial plant space. Industrial plant space shall be the sum total of all floors.

d. Yard Requirements

i. Front

Front setback is determined from the edge of the road ROW. The edge of the ROW is determined by professional survey. Center of the road may not be the center of the ROW. *Adopted 6/17/19*

a. Single-Family and Two-Family Dwellings (all buildings): 40 feet

b. Non-residential uses (exclusive of manufacturing): 100 feet

c. Manufacturing (all buildings): 100 feet

ii. Side and Rear Yard

a. Single-Family and Two-Family Dwellings (all buildings): 25 feet

b. Non-residential uses (exclusive of manufacturing): 25 feet

c. Manufacturing (all buildings): 25 feet, or 50% of building height, whichever is greater, except that such yards abutting residential uses shall be a minimum of 50 feet or the height equivalent of the principal building, whichever is greater.

d. Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

iii. Street Frontage Requirement

a. Single and Two-Family Dwellings: 300 feet

b. Non-residential uses (exclusive of manufacturing): 300 feet

c. (RESERVED)

e. Height Restriction

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is lower, except that these height requirements shall not apply to farm buildings not used for human habitation, windmills, flagpoles, wind power generators or communications towers.

f. Minimum Lot Width, All lots: 50 feet

B. Rural District (RA)

1. Purpose-

To conserve the integrity and natural qualities of rural open space for the betterment of the community and future needs.

2. Permitted Uses:

a. General purpose farming and forestry.

b. Farm Stand – Retail sales of farm produce most of which is grown on the same premises or premises leased or owned by the operator of the farm stand.

c. Open space recreational uses, exclusive of drive-in theaters, fairgrounds, amusement parks, race tracks, and stadiums.

d. Dwellings and detached Accessory Dwelling Units.

e. Accessory uses and buildings

f. Home occupations.

g. Mobile Home Park on the parcel identified as lot number 43 on the Town Tax Map number 9.

3. Special exceptions

a. Fairgrounds

b. Cemeteries

c. Municipal uses and public utility installations.

d. Inns and Bed & Breakfast

e. Medical and professional buildings, with individual units subject to Subsection 8.

f. Construction in a flood plain as defined under Section 13A of this Ordinance. *Amended 6/18/18*

g. Health facilities licensed by the Department of Health and Human Services.

h. Business and professional uses provided that they meet the following standards:

i. Each use shall not cover more than 5,000 square feet of floor space.

ii. The design of the structure shall be compatible with the predominantly residential nature of the district.

iii. All parking shall be located off street and shall not be located in the required front yard.

iv. A natural buffer of 75' shall be maintained as side and rear setbacks.

v. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbances, odors, heat or glare shall not be produced beyond what is normally produced in the rural district.

i. Mobile Home Parks, 30-A M.R.S.A. 4358

4. Dimensional Standards

The performance standards contained in this Section shall apply to all districts, uses and activities, unless otherwise specified, whether or not specific approval or a permit is required.

a. Minimum Lot Area

i. Single Family Dwelling: 90,000 sq ft *Amended 6/18/18*

ii. Two-Family Dwelling: 150,000 sq ft *Amended 6/18/18*

iii. Non-residential uses (exclusive of manufacturing): 90,000 sq ft

b. Minimum Net Residential Area

The Codes Enforcement Officer or the Planning Board shall make the final determination of net residential acreage/area. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation, it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage/area. The following densities are necessary because of the limited availability of soil suitable to on-site septic systems and the limited number and size of aquifers and aquifer recharge areas:

i. Single Family and Two-Family Dwellings: 90,000 square feet for the first unit, 60,000 square feet for each additional unit.

ii. Detached Accessory Dwelling: 150,000 sq ft

c. Maximum Lot Coverage

i. Single Family and Two-Family Dwelling: 20%

ii. Non-residential uses (exclusive of manufacturing): none

d. Yard Requirements

i. Front

Front setback is determined from the edge of the road ROW. The edge of the ROW is determined by professional survey. Center of the road may not be the center of the ROW. *Adopted 6/17/19*

a. Single-Family and Two-Family Dwellings (all buildings): 40 feet

b. Non-residential uses (exclusive of manufacturing): 100 feet

ii. Side and Rear Yard

a. Single-Family and Two-Family Dwellings (all buildings): 25 feet

b. Non-residential uses (exclusive of manufacturing): 25 feet

c. Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

iii. Street Frontage Requirement

a. Single and Two-Family Dwellings: 300 feet

b. Non-residential uses (exclusive of manufacturing): 300 feet

e. Height Restriction

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is lower, except that these height requirements shall not apply to farm buildings not used for human habitation, windmills, flagpoles, wind power generators or communications towers.

f. Minimum Lot Width, All lots: 50 feet

5. District Standards

a. Bed & Breakfast

i. A Bed & Breakfast shall not exceed six sleeping rooms.

ii. Some sitting and dining rooms may be used or intended for use in common by such guests.

iii. There shall be no kitchen facilities in the rented units or rooms themselves.

iv. There shall be no separate ownership of individual rooms or units.

b. Inns

i. An Inn shall contain fewer than 15 sleeping rooms.

ii. An Inn may include one restaurant that is open to the public as well as a meeting/common room.

iii. An Inn will be confined to the Pownal Village District only and by special exception in the Rural Districts RA and RB.

iv. There shall be no kitchen facilities in rented units or rooms.

v. Inns may have recreational facilities such as a pool and or a fitness room; however, such facilities shall only be available for use by guests and shall not be open to the public.

vi. The design of the structure shall reflect and compliment the rural character of the town as reflected in the comprehensive plan.

C. Rural District (RB)

1. Purpose

To provide for the placement of mobile homes on individual lots in areas which contain undeveloped acreage and which have few historically significant structures.

2. Permitted Uses**.** These are the same as Rural District RA.

a. Lots south of Tuttle Road must have the required frontage on Tuttle Road and only Tuttle Road may be used for access to the lot if a mobile home is place on it.

b. Mobile Home Park on the parcel identified as lot number 30 on the Town Tax Map number 2.

3. Special Exceptions. These are the same as Rural District RA.

4. Dimensional Standards

The performance standards contained in this Section shall apply to all districts, uses and activities, unless otherwise specified, whether or not specific approval or a permit is required.

a. Minimum Lot Area

i. Single Family Dwelling: 90,000 sq ft *Amended 6/18/18*

ii. Two-Family Dwelling: 150,000 sq ft *Amended 6/18/18*

iii. Non-residential uses (exclusive of manufacturing): 90,000 sq ft

b. Minimum Net Residential Area

The Codes Enforcement Officer or the Planning Board shall make the final determination of net residential acreage/area. Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation, it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a traditional subdivision. If it can be so incorporated, that area shall not be subtracted from the gross acreage/area. The following densities are necessary because of the limited availability of soil suitable to on-site septic systems and the limited number and size of aquifers and aquifer recharge areas:

i. Single Family and Two-Family Dwellings: 90,000 square feet for the first unit, 60,000 square feet for each additional unit.

ii. Detached Accessory Dwelling: 150,000 sq ft

c. Maximum Lot Coverage

i. Single Family and Two-Family Dwelling: 20%

ii. Non-residential uses (exclusive of manufacturing): none

d. Yard Requirements

i. Front

Front setback is determined from the edge of the road ROW. The edge of the ROW is determined by professional survey. Center of the road may not be the center of the ROW. *Adopted 6/17/19*

a. Single-Family and Two-Family Dwellings (all buildings): 40 feet

b. Non-residential uses (exclusive of manufacturing): 100 feet

ii. Side and Rear Yard

a. Single-Family and Two-Family Dwellings (all buildings): 25 feet

b. Non-residential uses (exclusive of manufacturing): 25 feet

c. Minimum distance between principal buildings on the same lot shall be the height equivalent of the taller building.

iii. Street Frontage Requirement

a. Single and Two-Family Dwellings: 300 feet

b. Non-residential uses (exclusive of manufacturing): 300 feet

e. Height Restriction

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, whichever is lower, except that these height requirements shall not apply to farm buildings not used for human habitation, windmills, flagpoles, wind power generators or communications towers.

f. Minimum Lot Width, All lots: 50 feet

5. District Standards

Space and Dimensional Standards

DISTRICT	VILLAGE	RURAL A	RURAL B	BACKLOT
RESIDENTIAL USES				
MINIMUM LOT SIZE with on-site sewer and water				
Single-family Dwelling	90,000 sf	90,000 sf	90,000 sf	5 Acres * (3)
Two-family Dwelling	150,000 sf	150,000 sf	150,000 sf	
MINIMUM NET RESIDENTIAL AREA				
Attached dwelling of more than two units				
First Unit	90,000 sf	90,000 sf	90,000 sf	
Each Additional Unit	60,000 sf	60,000 sf	60,000 sf	
MINIMUM NET RESIDENTIAL AREA				
Detached Accessory Dwelling	150,000 sf	150,000 sf	150,000 sf	
Minimum Lot Width - All Lots	50 ft	50 ft	50 ft	
Minimum Lot Width - at building line *(6)	200 ft	200 ft	200 ft	
Minimum Street Frontage	300 ft * (4)	300 ft * (4)	300 ft * (4)	350 ft
Minimum Front Yard, All Buildings *(5)	40 ft	40 ft	40 ft	
Maximum Side & Rear Yard, All Buildings	25 ft	25 ft	25 ft	
Maximum Building Coverage of Lot	20%	20%	20%	
Minimum Distance Between Principal Buildings on the Same Lot	The height equivalent of the taller building			
NON-RESIDENTIAL USES (exclusive of manufacturing)				
Minimum Lot Area	90,000 sf	90,000 sf	90,000 sf	
Minimum Street Frontage	300 ft	300 ft	300 ft	
Minimum Side and Rear Yards	25 ft	25 ft	25 ft	
Maximum Building Coverage of Lot	none	none	none	
Minimum Front Yard	100 ft	100 ft	100 ft	
MANUFACTURING USES				
Minimum Lot Area	90,000 sf			
Minimum Building Coverage Lot	*(1)			
Minimum Front Yard, All Buildings	100 ft			
Minimum Side and Rear Yards	*(2)			

*(1): Maximum Building Coverage – Any manufacturing facility shall provide two square feet of open space for each one square foot of industrial plant space. Industrial plant space shall be the sum total of all floors.

*(2) Minimum Side and Rear Yards – 25 feet or 50% of building height, whichever is greater, except that all such yards abutting residential uses shall be a minimum of 50 feet or the height equivalent of the principal building, whichever is greater.

*(3) Minimum lot size does not include access easement over the front lot.

*(4) Minimum 300 feet of lot line most parallel to the road fronting the lot; a corner lot must have at least 300 feet of frontage on a single road.

*(5) Front setback is determined from the edge of the road ROW. The edge of the ROW is determined by a professional survey. Center of the road may not be the center of the ROW.

*(6) The building line is a line along the front façade of the principal building extending in a straight-line outward to the lot lines on either side of the building.

Section 600 – Performance Standards

601 Driveway and Driveway Entrance

A. Permit Required

1. No driveway, entrance or approach or other improvement within the limits of the Right of Way for any public or approved public road may be constructed, altered or relocated except in accordance with a Driveway and Driveway Entrance Permit issued by the Town of Pownal Codes Enforcement Officer (CEO) upon application.

2. The selectmen may establish the fee for such permit.

3. The Driveway/Driveway Entrance Permits shall be valid for a period of twelve months from the date of original issue.

4. No entrance, approach or other improvement constructed on the Right of Way shall be relocated or its dimensions altered without a Driveway/Driveway Entrance Permit from the Town.

5. The Owner is responsible for future maintenance of the driveway surface and its entrance, and shall maintain the driveway and entrance in accordance with the approved permit.

6. When a town road undergoes a major reconstruction, the Town may also reconstruct existing affected driveways as needed within the Right of Way, but generally to five (5) feet back more or less, from the traveled way. The Town may also pave or repave existing driveways and/or install berms and other facilities within the Right of Way and farther onto private property as needed in order to maintain proper stormwater control and safe ingress and egress to and from the traveled way. The Owner is responsible for future maintenance of the driveway surface and its entrance after a town road reconstruction project and shall maintain the driveway and entrance in accordance with the Town's reconstruction and/or paving or repaving of the driveway.

7. A permit is not required for paving, sealing or repairs to driveways of record (grandfathered) unless the driveway is relocated.

B. Approval Criteria

1. General.

a. Driveways and Driveway Entrances should be designed and constructed to provide safe access to the public way.

b. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.

c. Applicants are encouraged to comply with the "Access Management Handbook for Local Officials" as developed by the Maine Department of Transportation, 1994.

2. Applicant. The applicant for a permit shall be the owner of the property being served. Any driveway or approach constructed by the Owner shall be for the bona fide purpose

of securing access to the Owner's property and not for the purpose of parking or servicing vehicles on the Right of Way.

3. Sight Distance Criteria

a. All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public or private road or to maneuver safely and without interference with traffic.

b. Measurements to determine sight distance shall be made in the proposed entrance at a point ten feet (10') from the edge of shoulder line with the height of eye three and one-half feet (3.5') above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one-quarter feet (4.25') is first seen.

c. Driveway placement shall be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

Highway Speed (MPH)	Minimum Sight Distance (in feet)
25	160
40	275
45	325
50	350
55	425

4. Geometry

a. If the driveway elevates above the traveled way, then the first 10 feet of the driveway shall be sloped to a negative 3%, unless otherwise approved by the Road Commissioner, and constructed to prevent run-off onto the traveled way. If the driveway descends from the traveled way, the first twenty-five (25) feet of driveway shall not exceed minus three percent (-3%) slope unless approved by the Road Commissioner and the Department of Public Safety.

b. The entrance should intersect the traveled way at a horizontal angle of ninety (90) degrees but in no case shall the horizontal angle be less than seventy-five (75) degrees without approval from the Road Commissioner. The entrance width at the traveled way shall be wide enough to allow emergency vehicles to enter from either direction. Radii for the edge of the driveway for ninety (90) degree intersections shall be twenty-five (25) feet. Less than ninety (90) degree intersections shall be thirty (30) feet.

c. No part of the entrance shall extend beyond the property lot frontage for the lot being served unless approved by the Pownal Planning Board.

d. The entrance shall not be located closer than fifty (50) feet to an intersection.

5. Drainage

a. Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the applicant. The applicant must provide at his/her expense suitable and approved drainage structures at all entrances.

b. Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.

c. Where a drainage culvert is required to maintain roadside drainage the Road Commissioner must approve the pipe diameter/length and type pipe material prior to installation. In any case, the pipe size shall be at least fifteen (15) inches in diameter and a minimum length of twenty-four (24) feet. The maximum continuous entrance width shall not exceed sixty (60) feet

6. Construction

a. The Owner is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the Right of Way.

b. The entire portion of any entrance within the limits of the Right of Way shall be constructed with a minimum fifteen (15) inch well• graded gravel base course (MOOT Type C).

c. The driveway entrance within edge of the traveled way shall be a maximum of a negative three percent (-3%) slope.

C. Driveway Standards

1. Maximum Grade. Maximum grade plus or minus (+/-) of the driveway shall not exceed twelve percent (12%).

2. Construction. Driveways shall be constructed of fifteen (15) inches of bank run gravel. Driveways shall be crowned a minimum of one-quarter (1/4") inch per one (1) foot. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times. Driveway width shall be a minimum of twelve (12) feet and clearing on each side of the driveway shall allow for snow removal from the driveway. Driveways of eight hundred (800) feet or more shall have at least one turn-out to allow for two-way traffic at mid-point. The Fire Chief and the CEO shall ensure that emergency vehicles are provided with adequate turn around and access to the buildings. All vegetation shall be cut close to ground level at least 3 feet back on both sides of the traveled way and cut to 16 feet above the driveway to make for safe access for emergency vehicles.

3. Curves. Minimum centerline radii on curves shall be one hundred and twenty-five (125) feet. Minimum tangent length between reverse curves shall be fifty (50) feet.

4. Culverts. Drainage culverts shall have a minimum diameter of fifteen (15) inches.

5. Side Slopes. Driveway side slopes and banks shall not be steeper than a slope of two (2) horizontal to one (1) vertical.

D. Appeals Process

1. Whenever a person shall deem themselves aggrieved by an order made by the Code Enforcement Officer, the person may file an appeal to the Board of Appeals within ten

(10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Board of Appeals, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.

2. In cases of applicability or interpretation of the rules, the Board of Appeals may revoke such order made by the Code Enforcement Officer.

3. In cases where compliance with such order made by the Code Enforcement Officer would cause undue hardship, the Board of Appeals may extend the time limit of such order, or may grant exceptions to, or waive requirements of, or grant a variance from the specific provisions of the rules, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of the rules in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public Right of Way.

E. Town Held Harmless

The applicant shall hold harmless the Town of Pownal and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a Driveway/Driveway Entrance Permit.

602 Wireless Telecommunication Facilities

A. Applications

1. The following procedures and requirements shall apply to all applications for a tower permit under this Ordinance:

a. Fees for applications. Application for a tower permit hereunder for a co-located Tower is $1000.00. Application for a tower permit for a single use tower is $2000.00. The town shall be exempt from such fees.

b. Consequence of application. By applying, an applicant agrees to comply with this Ordinance in all ways, including by committing him/herself and successors in interest to respond in a timely, comprehensive manner to a request for information from a potential co-location applicant and to negotiate in good faith for shared use by other parties that have received or applied for federal licenses.

c. Form of application. All applications hereunder shall be made in writing to be Planning Board on the forms provided for this purpose. The application shall be made by the owner of the property or by agent of the owner, and shall be accompanied by the payment of an application fee to the Town of Pownal to cover the administrative costs of processing the application.

d. Compliance with other laws. The applicant must comply with all State and Federal requirements and receive all relevant approvals before any development activities may begin.

e. Required exhibits and information. When the owner of the property or his/her authorized agent makes formal application for a tower permit hereunder, the application shall contain at least the following exhibits and information.

f. A fully executed and signed copy of the application for a tower permit.

g. Two copies of the tower application site plan drawn at a scale sufficient to allow review of the items listed under this Ordinance, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for the tower location, and showing the following:

i. Owner’s name, address and signature.

ii. Names and addresses of all abutting property owners.

iii. Sketch map showing general location of the site within the town.

iv. Boundaries of all contiguous properties under the control of the owner or applicant regardless of whether all or part is being developed at this time.

v. The zoning classification of the property.

vi. The location of all existing and proposed buildings (including size and height), access points, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, service areas, and easements. Copies of any proposed or existing easements, covenants, deed restrictions, etc., shall be provided.

vii. The location of all buildings within 200 feet of the parcel to be used to site the tower and the location of intersecting roads or driveways within 200 feet of the tower's location.

viii. Applicants shall identify all existing and proposed towers, including their heights, located in the town and within one mile of the town boundaries. Applicants must provide evidence of the lack of antenna space on all such towers, (except in cases where tower access is denied by tower owner), and shall identify alternative tower structures and sites which have been investigated as alternative to constructing a new tower.

h. Building plans showing, as a minimum, the construction detail of the tower and any ancillary buildings.

i. Elevation drawings, cross-sectional area or silhouette, of the facility, drawn to scale and showing all measurements, both linear and volumetric, showing front, sides and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennas, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness. A visual study depicting where within a three- mile radius any portion of the proposed tower could be seen must also be provided by the applicant.

ii. Detail of the tower base or method attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.

iii. Details of all accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

iv. Certification from a Registered Professional Engineer in the State of Maine that this proposal will not interfere with established public safety telecommunications.

v. Written approval by all applicable state and federal agencies, including but not limited to the FAA and FCC, or a statement from the agency that no approval is required, including a description of any conditions or criteria for the approval or exemption from approval.

vi. An inventory of all of the provider's existing and approved towers, antennas or sites within the Town of Pownal and locations in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in this application. Service area maps or network maps of the applicant's existing and proposed facilities in Cumberland and Androscoggin Counties.

vii. Site photos showing site vegetation, existing and adjacent structures, and views of and from the proposed site. Topography and land use on the proposed parcel and on abutting properties.

viii. Landscaping plan reflecting location of proposed screening and fencing, planting areas, proposed plantings, existing plant materials to be retained and trees or shrubs to be removed.

ix. Identity any other telecommunication facilities existing or proposed on the site.

x. A visual analysis, which may include photo montage, field mock up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts at design capacity, after the leaves have fallen, of the proposed facility. Consideration shall be given to view from public areas as well as from private residences and from archaeological and historic resources including historic areas and structures, specifically those listed in the National Register of Historic Places or eligible for inclusion. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historic Preservation Officer in his/her review capacity for the FCC. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.

2. Co-location information required. In addition to all other application requirements, the applicant must provide in the application:

a. Notice to other tower users in Town. Applicants for a wireless telecommunication tower must notify by mail all other tower owners and telecommunication providers in the Town utilizing existing towers, stating siting needs and co-location requirements. Evidence of such notification shall be submitted to the Planning Board and shall include a name and address list, a copy of the notice which was sent and a statement under oath that the notices were sent.

b. Certification of inability to co-locate. An application for a new wireless telecommunication tower must include evidence that existing or previously approved towers cannot accommodate the telecommunications equipment (antennas, cables, etc.) planned for the proposed tower, if appropriate. Such evidence would be:

i. Planned necessary equipment would exceed the structural capacity of existing and approved towers, considering the existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment.

ii. Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower, and the interference cannot be prevented.

iii. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively.

iv. Other documented reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers.

v. The applicant must assess whether another tower site could be changed to accommodate the proposed tower, and generally describe the means and projected cost of shared use of the existing or approved tower site.

c. Commitment of user required. A proposal to construct or modify a wireless telecommunication tower must include evidence of a commitment from a duly licensed entity to utilize the tower within 6 months of its completion to provide wireless telecommunication services. Proof of financial capacity to build, maintain, and remove the proposed tower must also be submitted.

d. Information on the general capacity of the tower and information necessary to assure that ANSI standards are met.

3. Application for Construction of New Towers or for Building, Pole Mounted or Tower Facilities must include, in addition to all other application requirements:

a. An application to construct a new co-located wireless telecommunication tower taller than the maximum height permitted for a single user must include evidence that the tower can structurally support a minimum of three (3) antenna arrays for co-location purposes.

b. The Planning Board shall require evidence of adequate structural support to accommodate any proposed additional arrays.

c. A report from a Registered Professional Engineer in the State of Maine that describes the tower, the technical reasons for the tower design and the capacity of the tower, including the number(s), type(s) and volume of antenna(e) that it can accommodate and the basis for the calculation of capacity.

4. For building, pole mounted or tower facilities, in addition to all other application requirements, the application must include certification by a Registered Professional Engineer in the State of Maine that the design is adequate to support, without failure, the maximum forces expected from wind, earthquakes, ice/snow loading when the pole or tower is fully loaded with antennas, transmitters, other equipment, and camouflaging, as described in the submitted plan.

B. Criteria and Standards

1. Administrative Provisions

a. Upon approval by the Planning Board, a building permit shall be issued by the C.E.O. Permits will be valid for one (1) year from the date of issue.

b. Modification to approved plans. Any change to existing, previously approved and proposed towers requires site plan approval. This includes modifications to approved height and to approved attachments such as antenna and dishes as well as requests for additional attachments.

c. Appeals. Any person aggrieved by a decision of the CEO or the Planning Board under this Ordinance may appeal the decision to the Board of Appeals. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal.

d. Enforcement. Failure to comply with any conditions of the Telecommunications Facilities Siting Ordinance or of the Site Plan Review, subsequent to approval of the plan, shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approval, initiating legal proceedings to enjoin construction of any specific activity violating the conditions of approval, or applying a fine of not more than $500.00 for each day that the violation continues after official notification by the Planning Board.

2. Engineering Standards

a. Maximum Height. The height of any tower must be approved by the Planning Board as part of the site plan review process. The maximum height must not exceed 100 feet for single user and 150 feet for co- located user tower. The Planning Board may approve a height that is up to 150 feet only if:

i. For existing towers, probative evidence is presented by the owner that the existing tower height is not sufficient to meet the reasonable needs of the proposed additional user(s) and the additional height requested is the least height technically necessary to serve all of the proposed users.

ii. For new towers, applicants accommodate co-location even if only one user will be located on the tower at the time of site plan review and approval. Only when additional users located on the tower may it be constructed to the approved co-located height.

b. Mass of Antennas Per User. The mass of antennas, including required antenna support structures, on a tower shall not exceed four hundred fifty (450) cubic feet per user, with no one dimension (not including), Omni-direction antennas, such as whip antennas) exceeding fifteen feet per user. The mass shall be determined by the appropriate volumetric calculations using the smaller regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array and all of its parts and attachments.

c. Construction materials for Towers. Towers shall be constructed of metal or other nonflammable material unless specifically waived by the Planning Board.

d. Accessory facilities, construction and location. Such facilities shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location. Accessory facilities shall be constructed out of non-reflective exterior materials and shall be placed underground, if possible.

e. Security measures. Sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury. Only manually operated or motion detecting security lighting is permitted.

3. Location Standards

a. Minimize visibility and number. Wireless telecommunications facilities shall not be sited in area of high visibility unless a finding is made that no other location is technically feasible and unless the facility is sited below the ridgeline or designed to

minimize its profile by blending with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable.

b. Protect wildlife. No facility shall be located so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.

c. Area. A wireless telecommunications tower shall not be constructed on a lot that does not conform to the minimum lot area required in the zoning district even if such lot is a lawful non-conforming lot of record. If it is located on a lot containing another use, the lot shall be of sufficient area to meet the minimum lot area requirement for each use.

d. Setback:

i. The center of the base of any telecommunications tower must be set back from all property lines a minimum of 125% of the tower height.

ii. No part of the structure, including anchors, guy wires, overhead lines, masts, etc., shall be located in the required setback or in any required buffer area both on the ground or in the air space above the ground; i.e., any part of the structure must be located within the building envelope.

iii. Accessory support buildings containing electronic equipment and any other structures accessory to the telecommunications tower shall meet the required building setback and the required buffer setback and be located within the building envelopes.

iv. If more than one tower is proposed on a single lot or parcel, they shall be located as closely together as possible.

v. If other non-accessory uses are located on the same lot or parcel as a wireless telecommunications tower, ail structures associated with such other uses shall be located a minimum distance of 125% of the tower height from the base of the tower.

vi. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

4. Design Standards

In addition to the criteria and standards listed in the Site Plan Review Ordinance, these additional criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review of proposed wireless telecommunications facilities.

a. Blending. All telecommunications facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all of the following measures shall be implemented.

b. Height for accessory buildings. New accessory facilities shall be no taller than one story in height and shall be treated to look like a building or facility typically found in the area.

c. Painting. All buildings, poles, towers, antenna supports, antennas and other components of each wireless telecommunications facility site shall be initially painted and thereafter repainted as necessary with a “flat” paint. The color(s) selected shall be one that the Planning Board determines will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils or trees shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location unless the Board determines that an alternative proposal will minimize visibility.

d. Decoration prohibitions. No obstruction painting, advertising, signage or any lighting shall be permitted on any tower.

e. Mitigation measures:

i. Screens must be utilized to screen antennas and towers from view from public right-of- way or scenic vistas, either via landscaping, fencing or other architectural screening.

ii. Network interconnection from the communications site via land lines have been proposed rather than the use of microwave link dishes, in order to minimize visual impact.

iii. Creative design measures must be employed to camouflage facilities by integrating them with existing buildings and among other uses. When lighting is required and is permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto surrounding residential property.

f. Special authority of Planning Board. The Planning Board may require special design of the facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).

5. Inspections. The owner of any tower in Pownal has the affirmative inspection duties specified hereunder:

a. Inspection by neutral expert. A Registered Professional Engineer in the State of Maine shall certify the inspection report of the tower to ensure structural integrity.

i. Monopole towers must be inspected at least once every seven years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.

ii. Self-supporting towers must be inspected at least once every five years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.

iii. Guyed towers must be inspected at least once every three years following completion of construction. The inspection shall take place between the second and third year of the repeat

b. Submission of inspection reports. The inspection report shall be submitted to the Town CEO within thirty (30) days of its receipt by the tower owner. Based upon the results of the inspection, the CEO may require repair or demolition of the tower.

c. Costs for inspection borne by owner. The cost of such inspections, reports, repairs or demolition required under this Ordinance shall be borne entirely by the tower owner. Required repairs shall be completed within sixty (60) days or less as required by the CEO.

d. Presumption of abandonment. Failure to provide required inspection reports or to perform necessary repairs in the required time scheduled shall be deemed prima facie evidence of abandonment.

6. Abandonment and Removal of Tower

a. Responsibility of owner to notify Town. If the tower ceases to be used or if the use of the tower is abandoned for any reason, it shall be the responsibility of the owner of the facility to notify by certified mail the Codes Enforcement Officer and the Town Clerk of the date of abandonment or cessation of use. If the owner shall fail to give the required notice, the CEO shall make a determination of such date, which determination shall be conclusive as to such date.

b. Obligation of owner to remove Tower. In the case of a tower which is abandoned or the use of which ceases, it shall be removed by the owner within one (1) year of its abandonment or cessation of use. All above ground structures, equipment, foundations, guy anchors, utilities and access roads or driveways specifically constructed to service the tower, structures, equipment or utilities shall be removed, and the land returned to a condition as near to the original pre-construction condition as possible. In the event the owner/applicant does not perform his/her obligations under this paragraph, his/her removal bond shall be used to do so.

c. Removal bond required. At the time of approval, the applicant for a new tower shall submit to the Town a bond or other financial surety, to be approved by the Town Select Board, in the amount of 150% of the estimated demolition cost of the tower and the removal of all accessory facilities, such cost to be determined by an independent Registered Professional Engineer in the State of Maine and the amount shall be acceptable to the Town Select Board. The bond or other financial surety shall be in effect for as long as the tower is in place.

d. Application to Select Board to release bond. The owner applies to the Town Select Board for release of the bond at such time that the owner or assigns removes the tower, accessory facilities and associated abandoned structure as described above, and such completed removal is found to be satisfactory by the Town CEO. Any cost of inspection by the Town CEO shall be borne by the owner.

C. Administration of Application

1. Public Hearing. Prior to taking final action on any site plan review application, the Planning Board must hold a public hearing to afford the public the opportunity to comment on the application. Abutting property owners shall be notified by mail of the pending application for a tower permit hereunder. The hearing shall be advertised in a newspaper of general circulation and notice shall be posted in three prominent places in Pownal at least ten days prior to the hearing. This notice shall indicate the nature of the application, the time, date, and place of hearing.

2. Experts. The Planning Board may require the applicant to retain an expert consultant or consultants to study and report as to compliance or noncompliance with these standards and to advise, if necessary, on procedures which will result in compliance. Such consultants shall be fully qualified and licensed to provide the required information and shall be mutually acceptable to the Town and the applicant. Costs shall be borne by the applicant.

3. Informational and informal hearing. Prior to formal application, an owner or his/her authorized agent may request an informal review of the tower application by the Planning Board to determine its compliance with town regulations.

4. Planning Board tower approval with building permit application. One copy of the approved tower application shall be included in the application for a building permit.

5. Bond required. The Board may require the applicant to show financial capacity to complete the development as approved and may require the posting, prior to final approval of any plan, of a bond or escrow agreement, in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board.

D. Prohibition

No tower shall be erected, developed, or otherwise altered without the approval of the Planning Board of such development granted according to the requirements of this Ordinance. Construction, site development and landscaping and maintenance shall be carried out in accord with the plans, drawings, sketches, and other documents approved by the Planning Board, unless altered with the Planning Board's approval.

603 Back Lots

A. Purpose

Pursuant to the 2006 Comprehensive Plan to conserve rural land while preserving the flexibility of rural landowners to use their back land for compatible purposes, this ordinance allows for the creation out of an existing lot that has at least 350 feet of frontage on a public maintained road, one new single backlot (see Article 2. Definitions) without frontage on a public road for the placement of one single-family dwelling. Residential dwellings and accessory structures located on backlots created under this ordinance shall comport with the Comprehensive Plan in protecting existing designated conservation land, deeded trails, public easements and strive to protect non-deeded traditional trails such as snowmobile passageways and the like.
Amended 6/19/17

B. Applicability

This Ordinance shall apply to:

1. Land in the Rural District RA and the Rural District RB
2. Pre-existing lots-of-record on or before the effective date of this ordinance that have at least 350 feet of continuous frontage but less than 600 feet along a public maintained road.

C. Effective Date

The effective date of this ordinance is June 20, 2016.
Amended June 19, 2017.

D. Administration

1. Lots recorded on subdivision plans filed at the Cumberland County Registry of Deeds (CCRD) are reviews by the Planning Board as a 'Resubdivision' as defined in §400. The Planning Board shall review and administer Backlot applications using applicable regulations from this Backlot Ordinance in addition to the applicable procedures in the Subdivision Ordinance.

2. All other lots of record in the CCRD are reviewed by the Code Enforcement Officer CEO. In considering backlots under this provision, the CEO may act to approve, disapprove, or approve with variances as authorized by the Pownal Board of Appeals. No municipal permits shall be issued, nor construction work begun on any use or development covered by this Ordinance, as specified in Section 3, until the backlot application has been approved by the CEO and filed. Newly CEO approved backlots shall be filed in the CCRD and the Town provided with the CCRD Book and Page filing numbers. All work shall be carried out in accord with the documentation submitted and approved by the CEO.

3. Upon completion of the applicable requirements of Section 603 (2) and (3) below and notation to that effect on the plan, the (CEO) shall grant final approval and shall sign the plan. The applicant shall be responsible for filing a copy of the approved plan with the Municipal Officers and for having a copy recorded in the Cumberland County Registry of Deeds. The applicant shall be responsible for presenting evidence to the CEO of the

recording. Any Backlot Plan not so filed or recorded within ninety (90) days of the date upon which such plan is approved and signed by the CEO as herein provided shall become null and void unless the particular circumstances of said applicant warrant the CEO to grant an extension which shall not exceed two additional periods of ninety (90) days.

4. No changes, erasures, modifications or revisions shall be made to any final plan after approval has been given by the CEO and endorsed in writing on the plan unless the plan is first resubmitted and the CEO approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void and the CEO shall institute proceedings to have the Plan stricken from the records of the Municipal officers and the Registry of Deeds.

E. Application

1. The project may be reviewed informally with the CEO to determine if it generally conforms to applicable ordinance requirements. If the project appears to conform to applicable ordinance requirements, the applicant shall complete a backlot application.

2. All applications for backlots shall be made in writing to the CEO on the forms provided for this purpose. The application shall be made by the owner of the property or his agent, as designated in writing by the owner; and shall be accompanied by the payment of an application fee to cover the administrative costs of processing the application. The CEO shall review all applications for completeness and other permitting requirements and schedule a site visit with the applicant. The applicant shall notify all abutters (as defined in §400) by certified mail at least 14 days prior to the scheduled site visit and present returned postal receipts to the CEO at time of the site visit. *Amended 6/18/18*

3. The CEO shall take under advisement any issues and recommendations by the abutters from the site visit and resolve those issues (within the regulations of the ordinance) with the applicant as a part of an approved Backlot application.

F. Submission Requirements

All submissions are based upon the regulations of §603(D) and shall include the following.

1. A fully executed and signed copy of the application for a new backlot.

2. Evidence of right, title, or interest in the property such as deed, option to purchase, lease, or agreement.

3. A survey plan for filing in the CCRD drawn at a scale sufficient to allow review of the items listed under the below general standards but not at more than 100 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

a. Names of all abutters on both sides of the street on the plan within 500 feet of all the property lines of the proposed backlot and names and addresses of all abutters on both sides of the street on a separate listing. *Amended 6/19/17*

b. Sketch map showing general location of the site within the town.

c. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time. On lots larger than 15 acres only, the impacted portion must be surveyed

d. The bearings and distances of all property lines and the source of this information.

e. Zoning classification(s) of the property and the location of zoning district boundaries as applicable.

The following additional requirements are necessary fort the backlot to be a "Lot Approved for Building" (as defined in §400 Definitions). Until all the following requirements are fulfilled the backlot shall be designated a "Lot Not Approved for Building" on its CCRD filed surveyed plan.

f. Soil types and location of soil boundaries suitable for waste water disposal as certified by a Maine- licensed engineer or soil scientist. *Amended 6/19/17*

g. The location of all building setbacks required by this or other ordinances of the Town of Pownal on the portion of the backlot to be developed.

h. The location of all existing buildings (including size and height), easements, wetlands and streams within the backlot (identified and delineated by the wetlands scientist) and open drainage courses.

i. The location of all buildings within 50 feet of the portion of the backlot to be developed and the location of intersecting roads or driveways within 200 feet of the portion of the backlot to be developed.

j. Existing and proposed topography of the site at two-foot contour intervals if major changes to the existing topography at the proposed backlot house site are being proposed.

4. Copies of any proposed or existing easements, covenants, deed restrictions, etc.

5. A list of all applicable State & Federal permits.

6. Location of any floodplains on the project parcel that would affect the backlot building site. (Reference: FEMA flood map in Town Hall and on the town website)

7. Demonstration that access to the backlot will be safe and will meet or exceed minimum required sight distance. (Per §610)

8. If the application concerns a house building site, which in whole or part is within any Shoreland Zone, the criteria included the Pownal Shoreland Zoning Ordinance shall be reviewed concurrently with the Backlot application.

G. Regulations

1. A lot-of-record (as defined in §400) may be divided only once into a backlot and remaining front lot (as defined in §400).

2. A backlot created under this ordinance shall be recorded on a surveyed plan in the CCRD. The plan shall prominently name the new backlot as created pursuant to this ordinance.

3. Backlots that are created must be 5 acres or larger, not including the ROW (right-of-way) over the front lot. Minimum Lot size: 3 acres, not including the access easement over the front lot.

4. There shall be at least a 50-foot right-of-way (ROW) across the front lot (as defined) to the backlot, controlled by the backlot, through the means of a deeded easement.

5. The creation of a Backlot cannot leave the front lot non-conforming.

6. Any driveway serving a back lot shall conform to §610. A legal description (recorded in the CCRD) of the deeded Right of Way by metes and bounds shall be attached to any building permit application for construction on the Backlot. The ROW shall be maintained by the Backlot owner.

7. A backlot (as defined) shall only be allowed one single-family dwelling and accessory structures.

8. The front lot line of a backlot shall be the lot line most parallel to the public road that provides the frontage to the front lot. The front lot line of the backlot shall be at least 300 feet long.

9. All the setbacks and other requirements of the district shall apply to structures built on the backlot.

10. Approved backlots shall have a Tax Map and Lot number assigned by the Town assessor.

11. Back lots must meet the following space and dimensional standards:

    a. Minimum Front Yard: 40 Feet from the edge of the road right-of-way.

    b. Minimum Side & Rear Yard: 25 feet

    c. Maximum Building Coverage of Lot: 20%

604 Mobile Home Parks

A. An application for a mobile home park shall be reviewed under the requirements, procedures and review criteria of the Subdivision §900 and Site Review §800. In addition to the submission requirements of the Subdivision §900 and the Site Plan §800, an applicant shall also submit the following before an application will be deemed complete:

1. For groundwater impacts for mobile home parks not served by a public sewer, an assessment of the impacts of park development on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:

   a. A map showing the basic soil types.

   b. The depth to the water table at representative points throughout the mobile home park.

   c. Drainage conditions throughout the mobile home park for both pre-development and post development conditions

   d. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

   e. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

   f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

2. A detailed subdivision plan showing the mobile home park lots and the location of all buildings and structures, recreation facilities and service facilities.

3. Any proposed open space shall be shown on the subdivision plan and with appropriate notation on the face thereof to indicate that the open space shall be permanently maintained as open space and that there shall be no division of open space.

4. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, most recent edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 trips per day (80 units), the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

5. Legal documents relating to the ownership, use, management and maintenance of all mobile home park facilities, including open space, recreation facilities, utilities, roads and parking areas and structures. Legal documents shall also restrict sites from being sold

to individuals unless the use of the property as a mobile home park is discontinued or abandoned and an alternative use is approved pursuant to ordinances

6. A copy of the proposed park rules and regulations

B. General Requirements

1. The applicant must demonstrate to the Planning Board that he/she has sufficient right, title and interest in the site of the mobile home park to control and complete its development as approved. The applicant shall provide a performance bond to cover the full cost of required improvements.

2. The overall area of a mobile home park shall be no less than the combined area of the individual lots plus:

a. The area for road rights-of-way;

b. The area required for buffer strips, if any;

c. The area of any shore land setbacks required under the Shoreland Zoning Ordinance.

3. Lot Size, Width, Setbacks and Density

a. Lots served by individual subsurface waste water disposal systems:

i. Minimum lot area: 20,000 sq ft

ii. Minimum lot width: 100 feet

iii. Minimum Front and Side Setback: 20 Feet

iv. Minimum rear setback: 10 feet

b. Parks served by central subsurface waste water disposal systems:

i. Minimum lot area: 12,000 sq ft

ii. Minimum lot width: 75 feet

iii. Minimum Front and Side Setback: 15 Feet

iv. Minimum rear setback: 15 feet

v. Overall density of the park: no less than 20,000 square feet per mobile home unit.

c. Lots within a shoreland area as defined by Title 38 M.R.S.A. §435 shall comply with the Shoreland Zoning Ordinance.

d. Mobile homes in a mobile home park adjacent to a public road shall be set back from the public road a distance equal to the setback requirements for other residential developments in the zone.

e. All buildings on the lot, including accessory buildings and structures, shall not cover more than 50% of the lot area.

f. Packaged treatment plants for sewage shall be of the current and best standards or shall conform to current standards for mobile home park development according to the State Plumbing Code.

C. Design Standards

Except as stipulated below, mobile home parks shall meet all the requirements for residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this Ordinance conflict with specific provisions of Subdivision §900, Site Plan Review §800 or Road §610, the provisions of this section will prevail.

1. Groundwater Impact Standards

a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

b. No mobile home park shall increase any contaminant concentration in the ground water to more t h a n one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards. The Board may require permanent ground water monitoring wells be installed and periodically tested.

c. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

d. The mobile home park shall not cause the concentration of the existing secondary parameters to exceed 150% of the Ambient concentration or to exceed the secondary drinking water standards, whichever is less.

e. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the subdivision plan for the park.

2. Road Design, Circulation and Traffic Impacts

All streets, roads, access drives and parking areas shall be designed to conform to reasonable safety standards. The road network shall provide for vehicular and pedestrian safety, emergency access, delivery and collection services and snow storage. Streets within a park shall be designed by a professional engineer, registered in the State of Maine.

a. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Road Ordinance. The approval by the Planning Board of a mobile home park shall not be deemed to constitute or be evidence of any acceptance by the Town of any street on such Plan.

b. Streets which the applicant proposes to remain as private roads shall meet the following geometric standards:

i. Minimum right-of-way: 23 feet

ii. Minimum width of traveled way: 20 feet

c. Any mobile home park expected to generate average daily traffic of 200 trips per day (40 units) or more, shall have at least two street connections with existing public streets.

d. Dead-end roads or cul-de-sacs shall have a maximum length of 600 feet. Cul-de-sacs turnarounds shall have a minimum radius of 50 feet at the outer e d g e of the pavement, exclusive of any parking areas.

e. Parking lanes shall be a minimum of eight feet in width, if provided.

f. No individual lot within a park shall have direct vehicular access onto an existing public street.

g. The intersection of any street within a park and the existing public street shall meet the following standards:

i. Angle of intersection: The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

ii. Maximum grade within 75 feet of Intersection: The maximum permissible grade within 75 feet of intersection shall be 2%.

iii. Minimum Sight Distance: A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distance shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the Height of the eye 3 1/2 feet above the pavement and the height of the object 4 1/4 feet.

iv. Distance from other intersections: the centerline of any street within a park intersection and existing public street shall be no less than 125 feet from the centerline of any other street intersecting with that public street.

v. Where a private road intersects with a public way, the curb radii shall be 40 feet at a 90-degree intersection and the radii shall be 50 feet for an intersection less than 90 degrees.

3. Parking Requirements

a. For each mobile home lot there shall be provided and maintained at least two off-street parking spaces. Each parking space shall contain minimum dimensions of 10 feet by 20 feet.

b. In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home lots. Such parking spaces shall be reserved for that sole use and shall be located within reasonable proximity to the mobile home units. This requirement may be waived by the Planning Board if a parking lane is provided and will accommodate all required spaces.

4. Pedestrian Circulation: All mobile home parks shall contain pedestrian walkways between all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. (See Zoning §500 and Site Plan §900) A portion of the road

surface may be reserved for walkways provided the roadway width is widened accordingly. Walkways shall be a minimum of 3 feet.

5. Utilities

a. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

b. Electrical utilities and telephone lines may be located a b o v e ground.

c. Utilities may be located anywhere within the mobile home park development except the transformer boxes, meters, pumping stations and other components of the utility system which may be located above ground shall be located as not to be unsightly or hazardous to the public.

6. Lighting: Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways in accordance with the provisions of Section 11 Site Plan Review, D. Criteria and Standards, 8. Lighting and in accordance with the IDA recommendations.

7. Utilization of Parcel: The plan for the development shall reflect the natural capabilities of the site to support development. Buildings and support facilities shall be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands as defined by the Maine Department of Environmental Protection, steep slopes, floodplains and unique natural features may be included in any common open space. Natural drainage areas shall be preserved to the maximum extent.

8. Buffer Strips

a. A 50-foot-wide buffer strip shall be provided along all property boundaries that:

i. Abut developed residential land which has a gross density (dwelling units per acre) of less than half of that proposed in the park, or

ii. Abut undeveloped residential land that is zoned at a residential density of less than half of that p r o p o s e d in the park.

iii. Further/ no structures, streets or utilities shall be placed in the buffer strip except that utilities may cross a buffer strip to provide services to the park.

b. Within the first 25 ft. of the buffer, measured from the exterior boundary of the park, visual screening and/or landscaping shall be provided. The visual screening may consist of fences/berms, landscaping (such as evergreen shrubs and trees in double staggered rows) and/or natural existing vegetation. The screening shall form an effective visual barrier along the exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.

9. Unified Ownership: No Mobile Home Park development or subdivision which is approved under this Ordinance as a mobile home park may be converted to a subdivision as defined in the Zoning or Subdivision Ordinance nor may mobile home park lots or any portion thereof be transferred out of the Mobile Home Park without the approval of the Planning Board. Any such lot sold or conveyed shall meet t h e lot size requirement of

the district in which it is located and any other applicable requirements. A Mobile Home Park plan to be recorded at the Registry of Deeds and filed with the Town shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in a unified ownership and the fee to individual Mobile Home Park lots or portions of Mobile Home Park lots shall not be transferred without prior review and approval by the Planning Board.

b. No dwelling unit other than a mobile home unit shall be located within the park.

10. Park Administration

a. The owner and operator of a mobile home park shall not require as a condition of tenancy the purchase of a mobile home unit from the owner or any particular agent or organization.

b. Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, State and Federal codes and regulations.

D. Approval Standard

1. Approval Criteria: Prior to approving the mobile home park, the Planning B o a r d shall find that:

a. The plan complies with the applicable provisions of the Subdivision §900 and Site Plan Review §800 and is in accordance with the state subdivision review law, except for those standards which are in conflict with Maine's Mobile Home Park Law;

b. The plan will not pollute a public water supply or aquifer; and

c. The plan protects environmentally sensitive areas in accordance with State statutes and the Comprehensive Plan.

2. Approval Procedure: The Planning Board shall follow the applicable review procedures set forth in Subdivision §900, Site Plan Review §800, and any additional procedures required by this ordinance.

3. All development activities, including site work, clearing, construction of buildings and utilities and landscaping shall be in accordance with the approved plan.

605 Single Lot Ordinance

A. Administration

1. Any Single Lot being divided from a lot recorded on a previous Subdivision will be reviewed and administered by the Planning Board as an Amended Subdivision.

2. Any Single Lot being divided from a Lot of Record, not of a previous Subdivision will be reviewed by the Codes Enforcement Officer (CEO).

3. The CEO may ask the Planning Board to conduct an onsite inspection of a proposed new single lot and submit an advisory report of their findings.

4. A file will be maintained on each new single lot application. This file will contain documentation of which criteria and standards of this ordinance have been met. The record in this file for any lot, either new or residual, not meeting the criteria and standards of this ordinance will be marked, "NOT APPROVED FOR BUILDING UNTIL ALL APPLICABLE POWNAL ORDINANCE, STATE AND FEDERAL REQUIREMENTS AND STANDARDS HAVE BEEN MET." The survey plan required under this ordinance, sections 6(A)(3) and 6(B)(1), to be filed at the Cumberland County Registry of Deeds (CCRD) will also be marked with this statement.

5. The CEO shall inform the applicant in writing of his/her decision within 45 days after receipt of the completed application and any advisory reports. All single lot divisions are required to be filed in the CCRD. In addition, the single lot divisions shall reference the name and the book and page number(s) of the original lot.

6. The CEO will notify the assessors of his/her decision by submitting to them a signed and dated form for both the new and residual lot indicating that the lot is either "APPROVED FOR BUILDING" or "NOT APPROVED FOR BUILDING UNTIL ALL APPLICABLE POWNAL ORDINANCES, STATE AND FEDERAL REQUIREMENTS AND STANDARDS HAVE BEEN MET." These forms will be kept in the town's property record folder for the respective lots.

B. Application

1. The property owner shall submit an application for the creation of a single lot to the CEO.

2. The owner may have her/his agent submit the application providing an owner-signed Authorized Agent Form is attached to the application.

3. A survey plan shall be submitted with the application for a Lot Approved for Building or a Lot Not Approved for Building unless an adjustment has been made by the CEO as outlined in Sections 6.A.3 or 6.B.1.

4. All applications shall be accompanied by an application fee. Fee Schedule established by the order of the Board of Selectmen.

C. Criteria and Standards

1. Before approving new single lots within the Town, the CEO shall consider the following criteria and any person proposing to create a lot shall, prior to the creation of such lot by any means, including but not limited to conveyance, lease, building, development, gift or bequest or otherwise, shall demonstrate that the following standards have been complied with:

2. Lot Approved for Building

a. Net Developable Area will be met for the construction of buildings and other improvements without utilizing land unsuitable for development as outlined in the Land Use Ordinance, Article 2, Definitions (net residential acreage). The minimum required net developable area required for this Ordinance shall be as established for the minimum net residential area in Section 9 of Article 3, Zoning Ordinance.

b. Lot Dimensions: All single lots created must meet all applicable land use ordinances.

c. Survey:

i. A survey plan by a Licensed Maine Professional Land Surveyor showing both the lot being created and the residual lot will be made and stamped by the surveyor. The plan will show the location of a suitable septic system site by a licensed site evaluator for the lot being created. *Amended 6/17/19*

a. Road frontage.

b. Boundary lines of tract, bearing, and distance.

c. Tax Map and Lot numbers assigned by the Tax Assessors.

d. Gross area and developable area of each lot.

e. Monuments (pins) set or found at all corners of lots.

f. The location of a suitable septic system site. *Amended 6/18/18*

ii. The CEO will have the discretion to adjust the survey requirements for lots larger than 10 acres. If the survey plan is not filed with the Cumberland County Registry of Deeds within 90 days of approval of the application the approval will become null and void and any new lot created will be in violation of this Ordinance. Evidence of recording shall be presented to the CEO and added to the file.

d. Septic Systems: A soils suitability report for a septic system shall be submitted for the lot on HHE 200 form before a building permit is issued. Additional studies for water quality maintenance such as a plume study may be required pursuant to the Maine Department of Human Services regulations under Title 22, MRSA, Chapter 241, Section 42. *Amended 6/17/19*

e. Shoreland, Stormwater, Wetland and Floodplain Management: All applicable Pownal, State and Federal shoreland, stormwater, wetland and floodplain regulations must be met.

f. Private Roads: The construction of a private road shall be pursuant to the requirements of Article 8, Public & Private Road Ordinance.

g. Any other applicable Pownal ordinance, state and federal requirements and standards in effect at the time of the application shall be met.

3. Lot Not Approved for Building

a. Survey: A survey plan of the lot being created and the residual lot will be made by a Maine Licensed Surveyor. The plan will show:

i. Boundary lines of tract, bearing, distance, Tax Map and Lot numbers.

ii. Gross area.

iii. Monuments (pins) set or found at all corners of lots.

The CEO will have the discretion to adjust the survey requirements for lots larger than 10 acres. If the survey plan is not filed with the Cumberland County Registry of Deeds within 90 days of approval of the application the lot approval will be null and void and any new lot created will be in violation of this Ordinance. Evidence of recording shall be presented to the CEO and added to the file.

b. Shoreland, Stormwater, Wetland and Floodplain Management. All applicable local, State or Federal stormwater, wetland and floodplain regulations must be met.

c. The owner of a Lot Not Approved for Building may apply for the status of the lot to be changed to Lot Approved for Building by:

i. Submitting an application to the CEO for change of status and

ii. Demonstrating to the CEO that the lot meets all criteria and standards for a Lot Approved for Building.

606 Manufacturing

A. The disposal of industrial waste by any means shall comply with all the laws of the State of Maine concerning pollution, conservation, health, safety and welfare.

B. No manufacturing or industrial activity shall create a nuisance of any kind which shall erode the natural qualities or living environment of the Town. In case of doubt, the Town Select Board may employ an independent recognized consultant at the expense of the applicant, to assure abatement of nuisance.

607 Home Occupation

A. Any home occupation shall be permitted if it complies with the requirements of this section.

1. The home occupation shall be carried on by one or more members of the family residing in the dwelling unit. Only two employees who are not part of the family are permitted at any one time.

2. The home occupation shall be carried on wholly within the principal or accessory structures.

3. Exterior displays or signs other than those permitted under the Site Plan Review Ordinance. Exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

4. Objectionable circumstances such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced beyond what is normally produced in the zoning district.

5. Traffic generated shall be in keeping with the character of the neighborhood. Parking needs shall be met off-street.

6. If a home occupation is located in an accessory building, the square footage used for that occupation shall not be larger than the first-floor square footage of the principal residential facilities.

B. (RESERVED)

608 Temporary Trailers During Construction

A. The Building Inspector shall issue a permit to an applicant who is constructing his/her residence on a site to place a temporary trailer on that site to be used as the owner's temporary living quarters for six months if the following conditions are met:

1. The applicant must have obtained valid plumbing and building permits for the residence.

2. The permanent foundation, septic disposal system and water supply for the residence must be completed before the trailer is placed on the site. The temporary trailer shall be similar to a travel trailer. It shall have either self-contained plumbing facilities or a plumbing connection to the residence's septic system and water supply.

3. No trailer shall be set at the site as provided above unless the Building Inspector shall issue, for a period no longer than six months, a temporary Certificate of Occupancy which may require such conditions and safeguards as will protect the health, welfare and safety of the occupants and the public.

4. After the six months have expired, the applicant may apply to the Board of Appeals for one six-month extension if the residence has not been completed. No further extensions are allowed.

5. If a six-month extension is granted by the Board of Appeals as provided above, the Building Inspector shall extend the temporary Certificate of Occupancy for such additional period subject to conditions and safeguards as he deems appropriate.

6. Occupancy must cease when the permit expires. Failure to cease occupancy shall be a violation of this Ordinance.

B. (RESERVED)

609 Manufactured Housing

These standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, Title 42 U.S.C.A, Chapter 70, as amended, to be located on an individual lot or in a mobile home park. The owner of the mobile home unit shall have the burden of proving that these standards are met.

A. Exit Facilities – Exterior Door

1. Required egress doors shall not be located where a lockable interior door must be used in order to exit.

2. Homes shall have a minimum of two exterior doors not less than 12 feet from each other as measured in any straight-line direction regardless of the length of the travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.

3. All exterior swinging doors shall provide a minimum of 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

B. Exit Facilities – Egress Windows and Devices

Homes shall have the following emergency egress facilities:

1. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAMA 1704- 1985.

2. The bottom of the window opening shall not be more than 36 inches above the floor.

3. Locks, latches, operating handles, tabs and any other window, screen or storm devices, which need to be operated in order to allow exiting, shall not be located in excess of 54 inches from the finished floor.

C. Interior Doors

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

D. Fire Detection Equipment

At least one smoke detector (which may be single station alarm device) shall be installed in the home in the following locations:

1. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having

bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.

2. When located in hallways, the detector shall be between the return air intake and the living area.

3. The smoke detector shall not be places in a location which impairs its effectiveness.

4. Smoke detectors shall be labeled as conforming to the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended for single and multiple station smoke detectors.

5. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be places on the same branch circuit or any circuit protected by a ground fault circuit interrupter.

E. Flame Spread

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.

2. Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.

3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.

4. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.

5. Finish surfaces or plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread of 200.

6. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.

F. Kitchen Cabinet Protectors

1. The bottom and side of combustible kitchen cabinets over cooking ranges to a horizontal distance of six inches from the outside edge of the cooking range shall be protected with at least 5/16-inch-thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3-inch eyebrow projecting horizontally from the front

cabinet face. The 5/16-inch-thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8-inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.

2. The metal hood will not be required if there is an oven installed between the cabinet and the range.

3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

G. Carpeting

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

H. Roof Loads

All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

I. Heating and Fuel Burning System

Any or all heating systems shall meet the requirements of the NFPA or other applicable state, local and federal standards.

J. Electrical System

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

610 Public and Private Roads

A. General

1. In this section, the terms streets, roads, public and private roads are interchangeable

2. Driveways and logging roads, so called, are not subject to this section.

B. Applications

1. Submission: An applicant shall submit an application to the Planning Board for review of a proposed new public or private road in the form of a surveyed preliminary single-lot division plan, a site plan or a preliminary minor or major subdivision plan. The proposed new road shall be shown by metes and bounds. The applicant may have her/his agent submit the survey plan provided an authorized agent is designated by the owner on the application form.

2. Site Plan: The Planning Board shall require a surveyed site plan as part of the application for any new or substantially reconstructed public road outside its existing right-of-way or private road such as to enable the new or reconstructed public road outside its existing right-of-way or private road to be accurately located on the ground.

3. Complete Application: After determining the applicant has provided a complete application and after any additional information or re-drafting of the preliminary road plan by the applicant into a final plan, the Planning Board shall inform the applicant in writing of its decision within 45 days.

4. The applicant shall submit a list of all abutters within 500 feet of the proposed road right-of-way.

5. Fee: All applications shall be accompanied by an application fee determined by the Pownal Select Board. (See fee schedule)

6. Road Naming: The name proposed by the builder of any new private road shall be submitted to the Select Board, under the Addressing and Road Naming Ordinance, for the approval who may then consult with the Road Commissioner. A pole and sign are obtained though the Select Board. (See fee schedule)

C. Standards

1. Frontage along a road (public or private) shall have a minimum depth of 40 feet. Road frontage shall not be measured off a hammerhead.

2. The approving new public or private roads within the Town, the Planning Board shall be directed by the following criteria in: (See SECTION 15; APPENDICES A-G)

3. In addition to being designed in compliance to all the standards of this ordinance, all roads, rights-of-way~~.~~ and storm drainage and other facilities subject to this ordinance shall also be subject to all other applicable local, state or federal environmental standards. In the case of a conflict between local, state and federal regulations, the stricter standards shall apply, except that roads located in mobile home parks shall be subject to the requirements of §604 (Mobile Home Parks).

D. Variances and Waivers

1. The Planning Board may hear and decide waiver requests brought by a public or private road applicant. Variance appeals shall be heard by the Board of Appeals which shall follow the procedures set forth in §909(Variances and Waivers) to determine variances.

2. The Planning Board may allow minor modification to the 600' standard for minor dead-end streets to accommodate aesthetics and topography as long as the minimum road frontage requirement established by the applicable zoning district is maintained and no more than four lots are created on the private dead-end road.

3. In considering minor modifications to private dead-end roads, the Planning Board may waive the standards in the Public and Private Roads Ordinance for 'Minor Dead-End Streets 600 feet or less' in Appendix A, DESIGN AND CONSTRUCTION STANDARDS FOR STREETS'; in Appendices Band C, 'GEOMETRIC STANDARDS- STREETS' in Appendices D, E, F and G, 'CONSTRUCTION NOTES AND SPECIFICATIONS FOR DEAD END ROADS 600 FEET OR LESS' in Appendices Band C, so long as the Planning Board determines that the public health, safety and general welfare would be met by the modified standards.

4. In granting other variances and modifications (those not delegated to the Planning Board in this Ordinance), the Board of Appeals shall require such conditions as would, in its judgment, secure substantially the objectives of the requirement so varied or modified.

E. Planning Board Decision. The Planning Board may approve the final road plan, may approve with conditions or may disapprove it.

F. Appeals

1. The appeal from any decision of the Planning Board, the Code Enforcement Officer or the Road Commissioner may be taken to the Board of Appeals in accordance with 30-A M.R.S.A., Section 2691 and Section 11 of the Zoning Ordinance.

2. Any appeal from any decision of the Board of Appeals may be taken to the Superior Court of Cumberland County in accordance with Maine Rules of Civil Procedure, Rule 808.

G. Performance Bond. The same regulations for a performance bond to cover the cost of installation of public improvements (including roads) in an approved subdivision plan may be applied by the Planning Board as a condition of approval for a new public or private road on a single-lot division or a site plan. (See Subdivision Ordinance, Section 6. C.1. Inspection of Required Improvements)

611 Hazardous Materials

A. Prohibition:

1.. The use, storage, and/or disposal of hazardous materials as defined in this ordinance, or as adopted by the Pownal Town Meeting, are prohibited

2. Specifically excluded from the regulations of this ordinance are the following:

a. Solid wastes lawfully deposited in a municipal landfill,

b. Domestic sewage, domestic sewage sludge,

c. Nonradioactive cooling water,

d. Boiler blow down water,

e. Sand and gravel washing waste,

f. Waste that is lawfully discharged to surface waters or any public sewerage system,

g. Virgin petroleum products for retail sales or use on site as a fuel,

h. agricultural organic wastes,

i. radioactive materials of less than eight ounces, and

j. other hazardous materials in quantities less than 120 gallons, 16 cubic feet, or 100 pounds at any one time or 180 gallons or 24 cubic feet or 1500 pounds per month, whichever standard is more restrictive.

3. No hazardous materials uses, as defined by this Ordinance, are presently located in the Town of Pownal, so special provisions for existing activities are not necessary.

B. Enforcement and Cleanup Costs

1. If a violation occurs, the person, firm, or corporation owning or controlling use of the building or premises shall be liable for costs incurred by the Town of Pownal for professional services needed for enforcement and the Town of Pownal shall assess those parties for those costs.

2. The person, firm or corporation owning or controlling use of the building or premises where the violation occurs, shall be responsible for all cleanup costs. If the Town of Pownal incurs costs related to the enforcement of protection of the health, safety and welfare of the citizens of Pownal, the violators shall be responsible for those costs and shall repay the Town of Pownal.

[612 RESERVED]

~~612 Special Provisions for Cluster Subdivision~~

~~These special provisions, related to space and bulk, allow for innovative approaches to housing and environmental design in construction.~~

~~A. Notwithstanding other provisions of this ordinance relating to space and bulk, the Planning Board, in reviewing and approving proposed residential subdivisions, may modify said provisions related to space and bulk in order to allow for innovative and environmental approach and design with the following standards. This shall not be construed as granting Variances to relieve hardship:~~

~~1. The purpose and intent of this Zoning Ordinance shall be upheld.~~

~~2. There shall be compliance with all State and local codes and ordinances.~~

~~3. There shall be no approval of any proposed development which exceeds that net residential density allowable in the district in which it is located.~~

~~4. Front yard setback requirement shall not be modified by a reduction of more than 50%.~~

~~5. Yard requirements between principal buildings shall not be modified to less than the height equivalent of the higher of any two adjacent principal buildings.~~

~~6. Frontage requirements shall not be modified by a reduction of more than 75 feet.~~

~~7. Each building shall be an element of an overall plan for site development.~~

~~8. Where possible, buildings shall be oriented with respect of scenic vistas, natural landscape features, topography, solar access and natural drainage areas.~~

~~9. Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.~~

~~10. All utilities shall be installed underground insofar as practical. All transformer boxes, substations, pumping stations, and meters shall be located and designed as not to be unsightly or hazardous to the public.~~

~~11. Residential open space accumulated by modifying space, bulk, and dwelling type requirements within the allowable density limits shall be dedicated to the recreational amenity and environmental enhancement of the subdivision and shall be dedicated and protected as such. Such protections may include private deed covenants or arrangements to preserve the integrity of agricultural open spaces and their use for farming or conservation purposes, including, but not limited to, deeding as an easement or in fee to a land trust or similar not-for-profit organization.~~

~~12. After approval of a proposed subdivision there shall be no further subdivision of land within the proposed development which will exceed the allowable net density. This shall be guaranteed by restrictive covenants prepared by the developer who shall provide a draft copy as part of the approval of the subdivision by the Planning Board. The covenants shall be recorded and referred to in all lot deeds in the subdivision and the~~

developer shall provide evidence of the recording of the covenants prior to the issuance of the first building permit in the subdivision.

13. The developer shall file with the Town at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check, performance bond or other accepted guarantee to ensure the completion of all required improvements and shall be issued to the Town. The conditions and amount of such check or other performance guarantee shall be determined by the Select Board with the advice of the various Town departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage or drainage ditches and utilities or other improvements specified in the final plan, and shall be conditioned on the satisfactory completion of all such specified improvements within a period agreed upon by the developer and the Planning Board.

14. For the purposes of this section, the tract or parcel of land involved must be either in single ownership or the subject of an application filed jointly by the owners of all the property included.

B. Corner clearances. For purposes of traffic safety, in all Districts, between the lines of intersecting streets and a line joining points on such lines, twenty feet distant from their point of intersection, or in the case of a rounded street corner, the point of intersection of their tangents, no building or structure may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through their curb grades. Shade trees shall be pruned to the height of eight feet above grade.

613 Floodplain Management

A. Permit Required

1. To protect natural floodplain, prevent pollution and conserve natural resources, no construction or other development shall be performed in floodplain areas defined in Pownal by the Federal Emergency Management Agency in a report entitled, “Flood Insurance Report, Town of Pownal, Map, Cumberland County,” dated December 2, 1980, with accompanying “Flood Insurance Rate Map” without written approval obtained from the Code Enforcement Officer of an in accordance with §6133~~2~~.

2. Areas of Special Flood Hazard

a. Areas of special flood hazard are identified by the Federal Emergency Management Agency in a map entitled "Flood Insurance Rate Map - Town of Pownal, Maine, Cumberland County," dated December 2, 1980, which is hereby adopted by reference and declared to be a part of this Ordinance.

b. The National Flood Insurance Program, established in the National Flood Insurance Act, provides that areas of the Town of Pownal having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This section establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Pownal, Maine.

c. Before any construction or other development (as defined in §400 and including the placement of manufactured homes) begins within any areas of special flood hazard established in section §6133~~2~~(A)(b)., a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Pownal, Maine.

B. Application for Permit

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

1. The name, address and phone number of the applicant, owner, and contractor;

2. An address and a map indicating the location of the construction site;

3. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

4. A statement of the intended use of the structure and/or development;

5. A statement of the cost of the development including all materials and labor;

6. A statement as to the type of sewage system proposed;

7. Specification of dimensions of the proposed structure and/or development;

(Items 8-11(b) apply only to new construction and substantial improvements.)

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

a. from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to §6132(E)(10) and §6132(G)(4).

b. from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); Or, in the absence of all other data.

c. to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

9. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in §6132(E);

10. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

11.The following certifications as required in §6132(E) by a registered professional engineer or architect:

a. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of §6132(E)(7)~~; of Article III.H.4.~~; of §6132(E)(7); and ~~of Article III.H.4.;~~ §6132(E)(7).; and other applicable standards of §613(E)(10); ~~and other applicable standards in Article VJ;~~

b. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Chapter 5 “Hydraulic Analyses” *Flood Insurance Study – Guidelines and Specifications for Study Contractors,* (FEMA 37/January 1995, as amended)~~Article VI.K.2.a.~~;

c. a certified statement that bridges will meet the standards of §6132(E)(12) ~~Article VI.L~~.;

d. a certified statement that containment walls will meet the standards of §6132(E)(13)~~Article VLM.~~;

12. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

13. A statement of construction plans describing in detail how each applicable development standard in §613 2(E) will be met.

C. Application Fee and Expert’s Fee

1. A non-refundable application fee of $50.00 for all minor development and $50.00 for all new construction or substantial improvements shall be paid to the Pownal Town Clerk and a copy of a receipt for the same shall accompany the application.

2. An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

D. Review Standards for Flood Hazard Development Permit Applications

The Code Enforcement Officer shall:

1. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of §6132(E) (Development Standards) have been, or will be met;

2. Utilize, in the review of all Flood Hazard Development Permit applications:

a. the base flood data contained in the "Flood Insurance Rate Map - Town of Pownal, Maine," as described in §6132(A);

b. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state or other technical sources including information obtained pursuant to §6132(B)(8), §6132(E)(10), and §6132(G)(4) in order to administer section (E) of this Ordinance, and

c. when the community establishes a base flood elevation in a Zone A by methods outlined in §6132(B)(8), the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

3. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in §6132(A);

4. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344;

5. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

6. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

a. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built, for verifying compliance with the elevation requirements of §6132(E)(6), §6132(E)(7), and §6132(E)(8).~~Article VI, paragraphs F, G, or H~~. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

b. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of §6132(E)(7). The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; Or

c. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in §6132(E)(9) ~~Article VI.I.~~, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

7. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of §6132(H), and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under §6132 sections (B), (E), and (F).

E. Development Standards

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

1. All Development

All development shall:

a. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. use construction materials that are resistant to flood damage;

c. use construction methods and practices that will minimize flood damage; and,

d. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

2. Water Supply

All new and replacement water supply systems shall be designated to minimize or eliminate infiltration or flood waters into the systems.

3. Sanitary Sewage Systems

All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

4. On Site Waste Disposal Systems

On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

5. Watercourse Carrying Capacity

All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

6. Residential

New construction or substantial improvement of any residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to §6132(B)(8); §6132(D)(2), or §6132(G)(4).

7. Non-Residential

New construction or substantial improvement of any non-residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to §6132(B)(8), §6132(D)(2), or §6132(G)(4), or together with attendant utility and sanitary facilities shall:

a. be floodproofed to at least one foot above the base flood elevation utilizing information obtained pursuant to §6132(B)(8), §6132(D)(2), or §6132(G)(4), so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. has structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as

required by §6132(C)(11), and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

8. Manufactured Homes

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

a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to §6132(B)(8), §6132(D)(2), or §6132(G)(4).

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

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

i. over-the-top ties anchored to the ground at the four comers of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet Jong require one additional tie per side); or

ii. frame ties at each comer of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

iii. all components of the anchoring system described in sections (i.) and (ii.) above shall be capable of carrying a force of 4800 pounds.

9. Recreational Vehicles

Recreational Vehicles located within Zone A shall either:

a. be on the site for fewer than 180 consecutive days,

b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in §6132(E)(8).

10. Accessory Structures

Accessory Structures, as defined in §400, located within Zone A, shall be exempt from the elevation criteria required in §6132(F) and (G) above if all other requirements of section EArticle VI and all the following requirements are met. Accessory Structures shall:

a. be 500 square feet or less and have a value less than $3000;

b. has unfinished interiors and not be used for human habitation;

c. has hydraulic openings, as specified in §6133~~2~~(E)(11), in at least two different walls of the accessory structure;

d. be located outside the floodway;

e. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

f. has only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible, outside the Special Flood Hazard Area.

11. Floodways

Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in a floodway which, in Zone A riverine areas, is the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. will not increase the water surface elevation of the base flood more than one foot al any point within the community; and

b. is consistent with the technical criteria contained in Chapter S entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/ January 1995, as amended).

12 Enclosed Areas Below the Lowest Floor

a. Enclosed areas are not "basements" as defined in §400

b. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

i. be engineered and certified by a registered professional engineer or architect; or,

ii. meet or exceed the following minimum criteria:

(a) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

(b) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

(c) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as

human intervention, including the use of electrical and other non-automatic mechanical means;

c. The enclosed area shall not be used for human habitation; and,

d. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

13. Bridges

New construction or substantial improvement of any bridge in Zone A shall be designed such that:

a., when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to §613~~2~~(B)(8), §613~~2~~(D)(2), or §613~~2~~(G)(4), and

b. a registered professional engineer shall certify that:

i. the structural design and methods of construction shall meet the elevation requirements of this section and floodway standards of §613~~2~~(E)(10), and

ii. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

14. Containment Walls

New construction or substantial improvement of any containment wall located within Zone A shall:

a. has the containment wall elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to §613~~2~~(B)(8), §613~~2~~(D)(2), §613~~2~~(G)(4).

b. has structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by §613~~2~~(B)(11).

15. Wharves, Piers, Docks

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

a. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

b. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

F. Certificate of Compliance

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

1. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with §6132(E)(6), (7), (8).

2. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

3. Within 10 working days, the Code Enforcement Officer shall:

a. review the Elevation Certificate and the applicant's written notification; and,

b. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

G. Review of Subdivision and Development Proposals

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

1. All such proposals are consistent with the need to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

4. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

5. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

H. Appeals and Variances

The Board of Appeals of the Town of Pownal may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

1. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

2. Variances shall be granted only upon:

a. a showing of good and sufficient cause; and,

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

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

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

i. that the land in question cannot yield a reasonable return unless a variance is granted; and,

ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

iii. that the granting of a variance will not alter the essential character of the locality; and

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

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

4. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

a. other criteria of §6132(H) and Article §6132(E)(10) are met; and

b. the structure or other development is protected by methods that minimize flood dam ages during the base flood and create no additional threats to public safety.

5. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

a. the development meets the criteria of §6132(H) (1-4) above; and,

b. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

6. Any applicant who meets the criteria of §6132(H) (1-5) shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

a. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

b. such construction below the base flood level increases risks to life and property; and,

c. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

7. Appeal Procedure for Administrative and Variance Appeals

a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board,

b. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

c. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

d. The person filing the appeal shall have the burden of proof.

e. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

f. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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

I. Enforcement and Penalties

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A M.R.S.A. §4452.

2. The penalties contained in Title 30-A M.R.S.A. §4452 shall apply to any violation of this Ordinance.

3. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

    1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

    2. a clear and unequivocal declaration that the property is in violation of a cited State or local ordinance;

    3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

    4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

    5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

614. Parking

A. Off-street parking for dwelling, business or accessory use, shall have for each space a minimum of 10 feet by 20 feet, either in open air or in a garage.

B. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use.

1. Dwellings: 2 parking spaces for each dwelling unit

2. Inn: 1 parking space for each sleeping room. *Rev. 6/21*

3. Bed & Breakfast: 1 parking space for each sleeping room. *Rev. 6/21*

4. Schools: 1 parking space for each room used for purposes of instruction

5. Health facilities: 1 parking space for each 500 square feet or major fraction thereof of floor area, exclusive of basement.

6. Theaters, auditoria, and churches: 1 parking space for each 4 seats or for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.

7. Retail & service stores: 1 parking space for each 180 sq. ft. of major leasable area

8. Restaurants: 1 parking space for every 3 seats.

9. Offices, professional, businesses and public buildings: 1 parking space for each 250 square feet or major fraction thereof, of gross leasable area.

10. Industry and manufacturing: 1 parking space for each 1.2 employees, based on the highest expected employee occupancy.

C. Off-street loading: Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used by, and accessible to, such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and industrial uses. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

D. Required off-street parking shall be located on the same lot as the principal building or use.

Section 700 – Signs

701 Sign Permits

A. Permitting

1. No business sign may be erected, altered or relocated without issuance of a permit from the Code Enforcement Officer.

2. Fees for signs shall be set by order of the Select Board.

B. Location

1. No sign, other than official street or highway signs, shall be erected or maintained within street or highway rights-of-way.

2. No sign shall be placed so as to interfere in any way with the vision of pedestrian or vehicular traffic, traffic signals or signs, or obscure a clear view of, or confuse with, official street signs, highway signs or signals.

C. All signs must be on owner's property and no part within the public right-of-way.

D. Wall signs shall occupy no more than twenty-five percent of the wall to which they are affixed or attached, or shall not exceed the maximum sign area allowed in that District, whichever is less.

702 Maximum Sign Area

A. The measurement of a sign area shall be based upon the outer perimeter of all boards, panels or sheets of material, but does not include the supporting posts or structural elements outside the limits of the sign perimeter.

B. Residential Use – All districts

1. A single sign, either attached to a building or freestanding, shall not be over sixteen square feet in area and shall be located in the front yard. Freestanding signs may have content on both sides of the sign board. On corner lots a single sign may be in either yard having road frontage, but not both yards.

2. A maximum of two detached signs located in front yard describing farm products raised or produced on premises. The display area of each sign shall not exceed twenty square feet, except that a single double-faced sign may be erected with a display area not to exceed twenty square feet on each side.

3. Maximum height of free-standing signs shall be no more than six feet.

C. Non-Residential Use

1. Attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises, a maximum of thirty-two square feet in area.

2. A shopping center developed under a single ownership may have a single freestanding sign with a maximum of sixty-four square feet area on each side. Each unit may have an attached sign with a maximum of six square feet in area.

3. The top-most part of any detached signs shall not be of elevation greater than twenty feet above the level of the ground on which they are erected.

703 Exempt Signs

A. Temporary event information signs may be placed in street rights-of-way at least five feet from the traveled way, no more than five days before the event and removed within forty-eight hours after event ends. Maximum sign area is four square feet.

B. No trespassing/hunting signs.

C. Trail markers.

D. Temporary or permanent state or municipal signs.

E. Historical designation signs.

F. Temporary realtor's or contractor's signs, maximum area four square feet.

G. Private property control/use signs.

H. Political signs concerning candidates for elective office, political messages related to an election or a ballot measure in any local, state or federal election. Such signs in any number and of any size less than the maximum normally allowed in the district, may be erected on public property so long as they do not detract from pedestrian or vehicle operator's safety. Such signs may be placed six weeks before an election and shall be removed within one week after an election.

704 Prohibited Signs

A. Billboards, all districts.

B. Internally lighted signs

C. Signs with moving parts or signs that appear to have moving parts.

D. Flashing signs – signs when lighted shall be continuously lit.

E. Changeable signs – any sign that periodically changes its message by any means, including mechanically, electronically or digitally, including time-and-temperature signs, except that such signage shall be allowed on property owned by the Town or by RSU #5, provided that such signs are used exclusively for the purpose of promoting municipal, public-school events and emergency communications.

705 Permits Procedure

706 Pre-existing Nonconforming Signs

707 Abandoned Signs

708 Sign Standards

A. All signs are encouraged to be consistent with and proportional to those in the neighborhood of the property or of the town if none exist in the area.

B. All business signs shall be made of wood, metal, natural materials or contemporary materials that have the appearance of traditional materials.

709 Illumination of Signs

A. Signs may be illuminated by shielded, non-flashing, non-moving lights.

B. All lighting of signs is to be from above; the light source shielded so it is not visible to traffic or off property. The amount of luminance from any sign shall not exceed. 1 foot-candle beyond any lot line.

C. All exterior lighting shall be turned on no earlier than one hour before opening of business and turned off no later than one hour after the closing of business, except for necessary security lighting.

710 General Sign Standards

711 Maintenance and Removal

A. All signs and their supporting structures shall be properly maintained in safe, presentable and good structural condition

B. Signs no longer applicable because of business termination, change or relocation shall be removed by the owner or lessee within thirty days.

C. Failure comply with the requirements of this Ordinance within thirty days of written notice from the Codes Enforcement Officer shall be considered a violation and may result and enforcement action.

712 Enforcement

713 Appeals; Variances

714 Miscellaneous

Section 800 – Site Plan Review

801 Applicability

A. No development shall take place within Pownal nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy or other required permit be issued with respect to any such structures, land or parking area, except in accordance with an approval by the Planning Board of such development granted according to the requirements of this Ordinance.

B. Exempted from this ordinance are the construction, on one lot, of one single or one two-family residential structure and accessory uses as permitted by applicable zoning regulations, normal agriculture and forestry uses, sand and gravel pits, the construction of a parking area for less than three vehicles, interior improvements which meet code requirements and home occupations.

C. Construction, site development and landscaping shall be carried out in accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval.

802 General Provisions

(RESERVED)

803 General Regulations

(RESERVED)

804 Waivers

(RESERVED)

805 Administration

A. All applications for site plan review shall be made in writing to the Planning Board on the forms provided for this purpose. The application shall be made by the owner of the property or his/her agent, and shall be accompanied by the payment of an application fee to the Town of Pownal to cover the administrative costs of processing the application. The following are subject to fees:

1. Building less than 2000 square feet in size
2. Buildings between 2000 sq. ft. & 10,000 sq. ft. in size

3. Each additional 10,000 sq. ft. of building size

4. Development which does not include buildings

B. The completed application for site plan review, together with the documentation required in these regulations, shall be placed on the Planning Board's agenda for consideration at its next scheduled meeting. Within sixty (60) days of the hearing, the Board shall act to approve or disapprove the site plan as submitted or amended, unless the time is extended by agreement of the Board and the applicant. The Board shall specify in writing its reasons for modifications or disapproval.

C. Prior to taking final action on any site plan review application, the Planning Board shall hold an onsite inspection and may hold a public hearing to afford the public the opportunity to comment on the application. If a public hearing is held, abutting property owners shall be notified by mail of a pending application for site plan review. The hearing shall be advertised in a newspaper of general circulation and notice shall be posed in three (3) prominent places in Pownal at least ten (10) days prior to the hearing. This notice shall indicate that nature of the application, the time, date, and place of hearing. Applicants shall provide the Planning Board with stamped envelopes addressed to all property owners within 500 feet of the entire lot, including both sides of any streets. The owners of property entitled to notice shall be determined through the Town's assessing records.

D. One copy of the approved site plan shall be included in the application for a building permit.

E. Prior to formal application, an owner or his/her authorized agent may request an informal review of the site plan by Planning Board to determine its compliance with town regulations. Any pre-application review under this section shall not be considered a substantive review for purposes of 1 M.R.S.A. Section 302.

F. The Board may require the applicant to show financial capacity to complete the development as approved and may require the posting, prior to the issuance of any building permit or the commencement of any work, of a bond or escrow agreement, in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board.

G. The applicant must comply with all State and Federal requirements and receive all relevant approvals before any development activities may begin.

806 Submission Requirements

A. When the owner of the property or his/her authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review.

2. Two (2) copies of the site plan drawn at a scale sufficient to allow review of the items listed under the following general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

a. Owner's name, address and signature.

b. Names and addresses of all abutting property owners of the entire parcel including those across the street.

c. Sketch map showing general location of the site within the town.

d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

e. The zoning classification of the property.

f. The location of all existing and proposed buildings (including size and height), access points, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, service areas, and easements.

g. The location of all buildings within 200 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

3. Building plans showing, as minimum, the first-floor plan.

4. Copies of any proposed or existing easements, covenants, deed restrictions, etc.

5. Copies of applicable State and Federal approvals and permits, provided however, that the Board may approve site plans subject to the issuance of specified State and Federal licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.

6. Include stamped envelopes addressed to all abutters within 500 feet of the entire lot, including both sides of any streets.

B. The Board may require the following submissions where it determines that, due to the scale or nature of the proposed development, such information is necessary to assure compliance with the intent and purposes of this Ordinance.

1. Existing and proposed topography of the site at two-foot contour intervals.

2. The bearings of distances of all property lines and the source of this information.

3. A storm water drainage plan showing:

a. The existing and proposed method of handling storm water run-off.

b. The direction of flow of the run-off through the use of arrows.

c. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

d. Engineering calculations used to determine drainage requirements based upon a 10-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

4. A utility plan showing provisions for water supply and waste water disposal including the size and location of all piping, holding tanks, leach fields, etc., and showing the location and nature of any solid waste collection facility and all electrical, telephone and any other utility services to be installed on the site.

5. A landscaping plan keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site and other landscaping arrangements.

6. The location, size and character of all signs.

7. An erosion and sedimentation plan showing plans for before and after construction. Approval from the appropriate State of Federal Soil and Water Conservation agency in this area is required.

8. Lighting plans showing the location, type, radius and intensity in foot-candles of all exterior lighting.

C. The approval of a site plan shall become void if substantial construction is not commenced within one (1) year of the date of such approval unless such time limit is extended by the Board.

807 Criteria and Standards

A. The following criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review. These standards are intended to provide a guide for the applicant in the development of the site and building plans as well as a method of review of the Board.

1. The Planning Board may require an expert consultant or consultants to study and report as to compliance or noncompliance with these standards and to advise, if necessary, of procedures which will result in compliance. Such consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant. Costs shall be borne by the applicant.

2. For good and sufficient reasons properly documented, the Planning Board may waive and/or vary standards and criteria as they may apply to a specific site plan application.

B. Landscaping

1. The purpose of landscaping is to define, soften or screen the appearance of off-street parking areas or other uses from the public right-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials annuals, plants, grading and the use of the building and paving materials in an imaginative manner.

2. The landscaping plan submitted with each application shall identify major existing and proposed trees, shrubs, bushes, plant material, ground cover and natural features such as boulders and rock outcroppings. It should show present or proposed locations and planting details. Applicant shall include in the plan proposed methods to protect existing trees and growth during and after construction. These may include fences, berms, curbing, tree walls and similar devices.

3. The following criteria shall be followed:

a. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

b. Landscaping should be provided in public areas, recreation sites and adjacent to buildings.

c. Deciduous trees should have at least two-inch caliper at planting and evergreens should be at least two feet tall at planting. All trees should be balled and burlapped.

d. Wherever possible, existing large trees should be saved. Maximum effort should be made to save clumps of trees rather than individual ones.

e. Parking lots should be located to provide buffering for adjacent properties. Sight distance, safety and appearance should be considered in determining landscaping plans.

C. Buffers

1. Buffers are fences, landscaping, berms, rocks, boulders, mounds or combination thereof designed to minimize any potential adverse impacts or nuisances on the site from adjacent areas. Extensive buffering will be required where intensive land uses abut less intensive land use, i.e., significant density or classification of land use differences.

2. The following criteria shall be followed:

a. Existing natural vegetation shall retain if it can appropriately act as suitable buffers.

b. Buffer (other than fences and walks) shall be located around the perimeter of the site at the property lines to minimized headlights of vehicles, noise, light from structures, the movement of people and to shield activities from adjacent properties when necessary.

c. Parking areas, garbage collection areas, utility buildings, loading and unloading areas, outdoor storage areas and similar accessory areas and structures shall be buffered.

d. Evergreens can be used as buffers if two or three rows of staggered plantings are proposed. The rows should be at least five feet apart.

D. Environmental considerations.

1. Environmental elements relating to prevention of soil erosion, preservation of trees, protection of water soil and animal life shall be reviewed and the design of the plan shall minimize any adverse impact on these elements.

2. The following criteria shall be followed:

a. The design and layout of buildings and/or other development area shall encourage safety and fire protection.

b. Proposed structure(s) shall relate harmoniously to the terrain and to existing building(s) in the vicinity which have a visual relationship to the proposed building(s). Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type and drainage courses.

c. Adequate provision shall be made for on-site surface drainage so that removal of vegetation will not adversely affect neighboring properties, downstream conditions, or a public storm drainage system. On-site absorption shall be utilized to minimize discharge whenever possible. All drainage calculations shall be based on a ten-year storm of duration equal to the time of concentration for the area addressed.

d. The erosion and sedimentation plan shall be based on the following principles, when applicable.

i. Stripping of vegetation, regarding or other development shall be done in such a way as to minimize erosion.

ii. Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

iii. Whenever feasible natural vegetation shall be retained, protection and supplemented.

iv. The disturbed area and the duration of exposure shall be kept to a practical minimum.

v. Disturbed soils shall be stabilized as quickly as practicable.

vi. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.

vii. The permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practical on the site. Ground cover planting shall be used, if appropriate.

viii. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.

ix. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair and damage at his expense as quickly as possible.

E. Site Conditions:

1. During construction. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Building Inspector or other authorized personnel.

2. Disposal of dead trees, litter, building materials. Developed area shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Building Inspector prior to issuing an occupancy permit.

3. Changes in elevation. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan.

4. Temporary improvements. Prior to or during construction, the Building Inspector may require the installation or construction of improvements to prevent or correct any temporary condition on the site which could cause personal injury, damage to property or constitute a health hazard. These conditions may result from erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvements may include berms, mulching, sediment traps, detention and retention basins, grading, planting, retaining walls, culverts, pipes, guardrails, temporary roads and others

appropriate to the specific condition. All temporary improvements shall remain in place and in operation until otherwise directed by the Building Inspector.

F. Vehicular Access

1. The proposed site layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, existing or proposed traffic signalization and pedestrian vehicular contacts. The Planning Board has the authority to determine the type of surface to be used on interior driveways and shall consider location and intensity of use when making its decision.

2. The following criteria shall be followed:

a. No access drive or driveway or other means of ingress and egress shall be located in any residential zone to provide access to uses other than those allowed in such residential zone.

b. All entrance and exit driveways shall be located and designed in profile and grading to

afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.

c. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.

d. Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.

e. Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

Allowable Speed (miles per hour)	Required Sight (feet)
25	160
40	275
45	325
50	350
55	425

G. Parking and Circulation

1. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall be safe and convenient and shall not detract from the proposed building(s) and neighboring properties. General interior

circulation, separation of pedestrian and vehicular traffic, service traffic, parking and loading areas shall be reviewed.

2. The following criteria shall be followed:

a. Parking areas shall be landscaping to minimize noise, glare and other nuisances and to enhance the site and surrounding area.

b. Sidewalks and other pedestrian linkages may be required to provide safe conditions.

c. Adequate off-street parking spaces shall be provided according to the requirements stated in §504.

d. Parking areas shall have suitable drainage facilities.

e. Lighting shall be shielded so it will not create a hazard or nuisance to adjoining properties or to the travelling public.

f. Spaces, drives and aisles shall be clearly marked.

g. No off-street parking or loading area shall be located in a minimum required setback.

h. The number of off-street loading bays required by the site plan shall be determined by the Planning Board. Each loading space shall be no less than twelve feet in width, fifty feet in length and fourteen feet in height.

H. Lighting

1. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be of a type approved by the Planning Board in accordance with the International Dark Sky Association (IDA) sample ordinance, www.IDA.org.

2. The following criteria shall be followed:

a. Blinking lights are prohibited.

b. Directional or display lighting shall be arranged so as to minimize glare and reflection on adjacent properties and the traveling public.

c. All lights shall be shielded away from residences and roads. All light shall be shielded to comply with current IDA recommendations.

d. Direct or indirect light from the source shall not cause illumination in excess of current IDA recommendations.

e. The maximum height of freestanding lighting shall be the same as the principal building or not exceed thirty-five feet.

f. Spot-light type fixtures attached to buildings shall be avoided.

g. Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.

h. All exterior lighting shall be turned on no earlier than one hour before the opening of business and turned off no later than one hour after the closing or business, except for necessary security lighting.

I. Signs

1. Sign specifications are regulated by the Zoning Ordinance, Section 700, Signs.

J. Utilities

1. All utilities included in the site plan shall be reviewed as to their adequacy, safety and impact on surrounding properties. Storm drainage, sanitary waste disposal, solid waste collection and disposal, water supply, electricity and communication and energy services shall be reviewed.

2. The following criteria shall be followed:

a. Emphasis shall be placed on the protection of flood plains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing systems; the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage: provide for treatment of effluent, and maintain an adequate supply of potable water at sufficient pressure in accordance with the State Plumbing Code.

b. Whenever feasible, utility lines shall be installed underground.

c. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

K. Performance Standards for Industrial, Commercial, Business and Professional Use.

1. The following performance standards are designed to control industrial, commercial, business and professional uses so that potential nuisances may be assessed factually and objectively and the community protected from hazards and nuisances. Because residential uses may also be located in a zone where these uses are allowed, specifications are designated to result in a nuisance-free performance.

2. Air Pollution. All air pollution control shall comply with minimum Federal, State and local requirements.

a. Smoke. Emission of smoke from any chimney, stack, vent, opening or combination process shall not exceed density or equivalent capacity of Ringelmann No. 1. (Ringelmann Chart published by the United States Department of the Interior, Bureau of Mines.)

b. Particulate matter. Particulate matter shall be defined as combustion products made up of smoke, soot, fly ash, etc., and industrial dust from foundries, paint spraying and rock crushing. Allowed particulate emissions shall not exceed 0.10 grams per standard cubic foot emitted from a stack.

c. Odor. Odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the lot lines. (See ASTM, Inc. Method Di 391-57 “Standard Method for Measurement of Odor in Atmosphere (Dilution Method)” Phila: American Society of Testing and Material, 1957).

L. Noise

1. The volume of sound, measured by a sound level meter and frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute), inherently and recurrently generated shall not exceed 55 decibels on the A- weighted scale (dBA) between 7:00 AM and 7:00 PM (the daytime hourly limit) and 45 dba between 7:00 PM and 7:00 AM (the nighttime hourly limit) at lot boundaries, excepting air raid sirens and similar warning devices.

M. Vibration

1. Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.

N. Heat, Fumes.

1. Heat of fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

O. Fire and Explosive Hazards.

1. Materials which decompose by detonation shall be stored, handled, utilized or manufactures in accordance with the National Fire Codes published by the National Fire Protection Association. Flammable solid materials must be stored, manufactured or utilized in fire resistant and fire protected buildings and spaces; materials stored outdoors must be at least 50' from all lot lines. This section shall regulate types and quantities of materials not prohibited by the "Pownal Hazardous Materials Control Ordinance," §611.

808 Expiration of Notice of Decision

(RESERVED)

Section 900 – Subdivision

901 Purpose and Review Criteria

A. The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Pownal, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents, and the applicable State and local health and water resources regulations;

2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

6. Will provide for adequate solid and sewage waste disposal;

7. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

8. Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;

9. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

10. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

11. The subdivider has adequate financial and technical capacity to meet the above stated standards;

12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

13. Based on the Federal Emergency Management Agency's flood Boundary and

Floodway and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-

14. year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of a plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

15. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

16. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district

17. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section "river, stream or brook" has the same meaning as in Title 38, Section 480-b, sub section 9;

18. The proposed subdivision will provide for adequate storm water management;

19. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

20. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

21. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

22. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Agriculture, Conservation and forestry, Bureau of Forestry to determine whether a rule violation has occurred, or the Planning Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Planning Board requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its

finding and determination to the Planning Board within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies the Planning Board thatthe bureau will not provide assistance, the Planning Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection. "Liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within the Town owned by one person or a group of persons in common or joint ownership. This subsection takes effect of the effective date of rules adopted pursuant to Title 12, section 8869, subsection 14.

902 Authority and Administration

A. Authority

1. These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956.

2. These standards shall be known and may be cited as “Subdivision Standards of the Planning Board of the Town of Pownal, Maine.

B. Administration

1. The Planning Board of the Town of Pownal, hereinafter called the Board, shall administer these standards.

2. The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Pownal.

C. Project Classification

1. Any subdivision of 4 lots or less shall be classified as a Minor Subdivision.

a. Conservation Subdivision procedures and performance standards are optional for Minor Subdivisions.

~~1.~~2. Any subdivision of 5 or more lots shall be classified as a Conservation Subdivision.

903 Preapplication Procedures for Minor Subdivisions

A. Procedure

1. In order that the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be employed on topographic maps and grading plans and to save himself the cost of needless changes at a later date, the subdivider shall arrange for a joint inspection of the site with the Planning Board, or individual appointed to act as the Board's representative for such inspection. This inspection may be waived at the discretion of the Planning Board.
2. At the time of the pre-application inspection, the subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.

B. Submission Requirements

1. The Sketch Plan shall be submitted to the Planning Board at the time of or prior to the on-site inspection.
2. The Sketch Plan shall show, in simple sketch form on a topographic map the proposed layout of street, lots, and other features in relation to existing conditions including such data as the Planning Board determines is necessary for its consideration of the proposed sketch plan.

904 Review Procedure and Submissions for Minor Subdivision

A. Procedure

1. Within six months after submission of the Sketch Plan, the subdivider shall submit an application for approval of a Final Plan. Failure to do so shall require re- submission of the Sketch Plan to the Planning Board. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
2. All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee (see fee schedule) for each lot payable by check to the Town of Pownal, Maine, stating the specific purpose of the fee.
3. The Planning Board shall, within forty-five (45) days from the date of submission (as deemed by the Planning Board), approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval.

B. Submission

1. The subdivision plan for a Minor Subdivision shall consist of one original and three copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch. Space shall be reserved thereon for endorsement by all appropriate agencies.

2. Additional information shall include:

a. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

b. The Planning Board may require an actual field survey of the boundary lines of the tract, giving complete descriptive data by bearing, and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan. With Planning Board approval this requirement may be modified to a scale drawing.

c. A lot-by-lot soils suitability determination for each dwelling with septic sewage disposal is required. The Planning Board may require a soils report to identify the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre.

d. All on-site sewerage and water supply facilities shall be designed to meet the minimum specifications of these standards and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed site evaluator. (An onsite sewage system shall be shown on an HHE 200 form before a building permit is issued.) Amended 6/17/19.

e. Proposed name of the subdivision or identify title, and the name of the Municipality in which it is located.

f. The date, north point, graphic map scale, name and address of record owner and subdivider, and names of adjoining property owners on both sides of the street, within 500 feet of the entire parcel.

g. If the Planning Board in reviewing an application for a Minor Subdivision determines that the impact upon the community of such proposed subdivision will exceed the normal impact of a minor subdivision it may require as a condition of approval that such subdivision meet one or more of the requirements applicable to a Conservation Subdivision.

h. If a private road that is a minor dead-end street or road 600 feet or less is part of a proposed Minor Subdivision, the subdivider shall obtain, as a condition of approval by the Planning Board, a permit for the private road from the Codes Enforcement Officer. The permit (as it may be amended from time to time by the Planning Board) is herein adopted by reference by this Article. Amended 6/17/19

    i. The Planning Board may allow minor modification to the 600’ standard for dead end streets to accommodate aesthetics and topography as long as the minimum 300’ road frontage requirement is maintained and the maximum four lots allowed is upheld. Amended 6/17/19

    ii. ii. Prior to any building permit issued the road must be constructed to town approved specifications in length long enough to satisfy the road frontage requirements of that lot. Adopted 6/17/19

C. Final approval, Filing and Revisions after Approval

1. Upon completion of the requirements in §903(A) and (B)and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Municipal Officers. The applicant shall be responsible for having the Plan files with the Cumberland County registry of Deeds. The applicant shall be responsible for presenting evidence to the Planning Board of the filing. Any subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.
2. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan unless the plan is first resubmitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.

905 Review Procedure and Submission Requirements for Conservation Subdivision, Pre-application Requirements

A. All applicants submitting a Conservation Subdivision application shall meet with the Planner for an informal pre-application meeting. The applicant may bring a Site Context Map and Existing Features Map which shall conform to the requirements below. The purpose of the Pre-application Review Meeting is to provide an informal process to discuss the characteristics of the site and proposed plan for development in conceptual terms and to introduce the applicant and site designer(s) to the zoning and subdivision regulations and collaboratively discuss the applicant's objectives in relation to those requirements, and the applicant's intentions for the open space ownership.

B. Conceptual Plan Meeting

1. Within six months following the Pre-Application Review Meeting, the applicant shall submit a completed subdivision application to the Planning Board for review. When the conceptual plan submission requirements have been submitted, the Planning Board shall hold a Conceptual Plan Meeting with the Applicant at which the applicant and the Planning Board may discuss the Conceptual Plan and its compliance with the standards and objectives of the Conservation Subdivision Ordinance. The purpose of this Conceptual Plan Meeting is to continue the informal, collaborative process of the conservation subdivision, to comply with the objectives of this ordinance, and to allow the Planning Board to become familiar with the applicant's objectives and the parcel proposed to be subdivided. No formal action shall be taken by the Planning Board at this Conceptual Plan Meeting and any comments or feedback provided by the Planning Board shall be wholly advisory (and non-binding) in nature.
2. The Subdivision application shall be accompanied by a fee (see fee schedule) payable by check to the Town of Pownal, stating the specific purpose of the fee.
3. On-Site Visit

   At the first meeting the application is presented and after the Existing Features Plan has been prepared, the Planning Board shall schedule an on-site visit to walk the property with the applicant and the site designer(s). The applicant shall bring a copy of the Existing Features Plan to the on-site visit. The purpose of this visit is to familiarize the Planning Board with the property's special features, and to provide them an informal opportunity to offer guidance (or at least a response) to the applicant regarding the location of Open Space to be preserved and potential house locations and street alignments.

~~B.~~C. Submission Requirements – Conceptual Plan Meeting

In advance of the Conceptual Plan Meeting, the applicant shall submit a Conceptual Plan containing at least the following information:

1. Site Context Map

The applicant shall submit a site context map. The site context map shall be drawn to a size adequate to show the relationship of the proposed subdivision to adjacent properties and to locate the subdivision within the municipality, e.g., 1 inch=400 feet. The site context map shall include the following:

a. An outline of the subject parcel along with abutting properties from a tax map and current uses on those properties.

b. Existing subdivisions within 500 feet of the subject parcel.

c. An outline of the subject parcel on a USGS topographic map.

d. Zoning district.

e. Tax map and lot number of subject parcel.

f. Location of the subdivision within the following three watersheds: Chandler Brook, East Branch Chandler Brook, and Cousins River.

g. Location and names of existing streets.

h. Location of circle showing features within half mile of subject parcel on Beginning with Habitat High Value Habitats map.

2. Existing Features (Site Inventory) Map(s)

The applicant shall submit an Existing Features (Site Inventory) Map of the subject parcel which shall be at a scale of one-inch equals 100 feet (unless another scale is mutually agreed upon) and shall involve an individual or team with the necessary training in natural resources, preferably a landscape architect, and who shall certify the information submitted. The inventory and map(s) shall include, at a minimum, the following:

a. The proposed name of the subdivision, north arrow, date, and scale.

b. The boundaries of the subject parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.

c. A contour map based at least upon topographic maps published by the U.S. Geological Survey.

d. The location and delineation of the following:

   i. Existing buildings and unbuildable areas including rights-of-ways and easements, and portions utilized for storm water management facilities.

   ii. Identification of scenic views into and out from the property with accompanying photos.

   iii. The identification and location of vegetative cover on the property.

   iv. Abutting or nearby lots where linkage with nearby open space, conservation land, State parks, or public lands on other properties is not blocked, and when possible, where continuous corridors of natural vegetation are protected in alignment with any adopted local or regional open space plan.

v. The location and delineation of unbuildable areas that include steep slopes, hydric soils, wetlands, surface waters, and streams.

vi. The location and delineation of significant features that include open fields, stone walls, scenic views, high value natural areas and essential wildlife habitat as defined by the Maine Department of Inland Fisheries & Wildlife (MDIFW), prime agricultural soils as defined by Department of Agriculture, Conservation and Forestry (DACF), historic properties and resources as defined by Maine Historic Preservation Commission (MHPC).

vii. The location and delineation of any Ssignificant Wildlife Habitat on the subject parcel or within 250 feet of the subdivision.

e. The location and delineation of Open Space to be preserved.

The following elements are optional:

i. Location of Proposed House Sites. All house sites shall be located outside of unbuildable areas and to the maximum extent feasible outside those areas identified in subsection (d)(vii). above.

ii. Alignment of Roads, Common Driveways and Trails. The minimum length and network of road(s) necessary to access each house lot shall be identified. Common driveways shall be identified. Roads and common driveways shall be located in such a way that avoids or at least minimizes adverse impacts on features identified in subsection (d)(vii). above.

iii. Identification of Lot Lines and Building Envelopes. Lot lines and building envelopes for each house site, or group of homes on a common lot, shall be identified. The placement of lot lines and building envelopes shall give consideration to those features identified in subsection d. as well as conform to the natural features of the landscape to the greatest extent possible.

3. Lot Density Map

The applicant shall submit a Lot Density Map to show:

a. The number of lots that could be built using density and frontage requirements applicable to Minor Subdivisions pursuant Section 908(C)(2).

906 Review Procedure and Submissions for Conservation Subdivision, Preliminary Plan

A. Procedure

1. Within six months after the Conceptual Plan Meeting, the subdivider shall submit an application for the consideration of a Preliminary Plan for a Conservation Subdivision, which shall include all submissions from the Conceptual Plan. Failure to do so shall require resubmission of the Conceptual Plan to the Planning Board. The Preliminary Plan shall conform to the layout shown on the Conceptual Plan plus any recommendations made by the Planning Board.

2. Within forty-five (45) days after formal submission of a Preliminary Plan, the Planning Board shall take action to give preliminary approval, with or without modifications, or disapprove such Preliminary Plan. The reasons for any modifications or the grounds for disapproval shall be stated upon the records of the Planning Board. Prior to preliminary approval the Planning Board shall hold a public hearing.

3. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if and with respect to: (1) the specific changes which it will require in the Final Plan; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; (3) the amount of improvement of the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Municipal Officers.

~~A.~~B. Submissions

1. Preliminary Subdivision Plan

The Preliminary Subdivision Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1-inch equals not more than one hundred (100) feet, showing or accompanied by the following information:

a. Proposed subdivision name or identifying title and the name of the Municipality.

b. Name and address of record owner, subdivider and designer or Preliminary Plan

c. Number of acres within the proposed subdivision, location or property lines, existing easements, buildings, watercourses and other essential existing physical features.

d. The names of all subdivisions immediately adjacent and the names of owners or record of adjacent acreage.

e. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.

f. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.

g. Location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other public open spaces.

h. The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or of the public ways proposed by the subdivider

i. The Planning Board may require contour lines at intervals of not more than five

j. (5) feet or at such intervals as the Planning Board may require, based on United State Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more.

k. The Planning Board may require a soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre. A lot-by-lot soils suitability determination for house building with septic sewage disposal, or if appropriate, house building with public sewage disposal, will be made in accord with Soil Suitability Guide for Land use Planning in Maine and will accompany the plot plan soils study.

l. Typical cross sections of the proposed grading for roadways and sidewalks.

m. Date, true north point and graphic scale.

n. Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.

o. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.

p. Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.

q. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location and results of percolation test.

r. Provisions for collecting and discharging storm drainage, in the form of a drainage plan.

s. Preliminary designs of any bridges or culverts which may be required.

t. The proposed lot lines with approximate dimensions and suggested locations of buildings.

u. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

v. The location of all natural features or site elements to be preserved.

w. Identification of all designated Open Space.

2. Location Map

The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision. Within such area the Location Map shall show:

a. All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owner; of all adjacent parcels of land, namely those directly abutting or directly across any street adjoining the proposed subdivision.

b. Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1), above.

c. The boundaries and designations of zoning districts, school districts and parks or other public spaces.

d. An outline of the proposed subdivision together with its street system, designated Open Space(s) and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

3. Written Submissions

The Preliminary Plan shall be accompanied by the following written submissions:

a. A narrative describing the project and design approach.

b. A draft Homeowner's Association declaration, with associated declaration of restrictive covenants, or letter of intent from a Land Trust for open space ownership.

907 Review Procedure and Submissions for Conservation Subdivision, Final Plan

A. Procedure

1. The subdivider shall, within six months after the preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after the approval for the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan.

2. If the proposed subdivision meets the following criteria, then the approval of the DEP shall be secured in writing before official submission of the Final plan:

a. Occupies a land area in excess of 20 acres, or

b. Involves a structure or structures, having in excess of 60,000 square feet of ground area coverage, or

c. Requires a license from the Department of Environmental Improvement under some other regulation such as waste discharge or air quality, or

d. In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Improvement:

3. Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:

a. The servicing Water Department if existing public water service is to be, or

b. The State of Maine Department of Health and Welfare if the subdivider proposes to provide a central water supply system, or

c. A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Health and Welfare.

d. In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Improvement, then: The approval of the DEP shall be secured in writing before official submission of the Final Plan.

A. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

a. The servicing sanitary sewer district of existing public disposal systems are to be used, or

b. The DHHS if a separate central sewage collection and treatment system is to be utilized or if individual septic tanks are to be installed by the developer, or

c. The DEP is the municipal system to be utilized is inadequate by State Standards and the waste generated is of a “significant” nature, or if the waste is to be discharged, treated or untreated, into any body of water.

d. Such approval shall be secured before official submission of the Final Plan.

B. Submission

1. The Final Plan shall consist of four copies of one or more maps or drawings. Space shall be reserved thereon for endorsements by all appropriate agencies. The Final Plan shall show:

a. All of the information presented on the Conceptual Plan and Preliminary Plan and any amendments thereto suggested or required by the Board.

b. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.

c. Street names, land lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.

d. Sufficient data acceptable to the Municipal Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.

e. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves tangent distances and tangent bearings, for each street.

f. By proper designated, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.

g. Lots and blocks within the subdivision numbered in accordance with local practice.

h. Permanent reference monuments shown thus: “X” They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

1. There shall be submitted to the Board with the Final Plan:

a. Written offers of cession to the Municipality of all public Open Space shown on the Plan, and copies of agreements or other documents showing the manner in which Open Spaces, are to be owned, preserved, and maintained.

b. Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in Paragraph (1), above. Such written evidence shall not constitute an acceptance by the Municipality of any public open space referred to the Paragraph (1) above.

c. A performance bond to secure completion of all improvements required by the Planning Board and written evidence that the Select Boardmen is satisfied with the sufficiency of bond.

2. A public hearing shall be held by the Planning board within thirty (30) days after the time of submission of the Final Plan for approval. This hearing shall be advertised in a newspaper of local circulation at least ten (10) days before such hearing and notice of said hearing shall be posted in at least three (3) prominent places at least ten days prior to the hearing.

3. The Planning board shall, within forty-five (45) days from the public hearing, approve, modify and approve or disapprove the Final Plan. the reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning

Board.

908 Performance Standards Conservation Subdivision

A. Purpose and Review Criteria

To encourage development that preserves Pownal's rural character and protects natural and culturally important resources and is consistent with the 2020 Comprehensive Plan.

To provide for development that is consistent with historic land use patterns where residences are grouped and surrounded by areas of open space used for agriculture, forestry, recreation and similar purposes.

Diversity and originality in lot layout and individual building site design shall be encouraged to achieve the best possible relationship between the proposed development and the land under consideration. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar energy and natural drainage areas.

In approving a conservation subdivision, the Board shall consider the following additional criteria before granting approval:

1. The arrangement of roads, lots, dwelling units, stormwater facilities, wastewater and other utilities will be harmonious with the natural environment and will not harm rural character and surrounding natural resources.
2. The Conservation Subdivision will minimize undue adverse effect on wetlands, vernal pools, stream corridors, significant wildlife habitat, or scenic resources.
3. All buffers in the Conservation Subdivision will protect natural resources and adequately screen new homes from the public road.

-Open Space will be permanently protected, in a manner acceptable to the Town, and will be contiguous to other Open Space within the larger parcel.

B. Applicability

The provisions of this ordinance shall apply to all Conservation Subdivisions and shall be optional for Minor Subdivisions.

C. Performance and Design Standards

Wherever possible, Conservation Subdivisions shall adhere to the standards below. The Board may consider waiver requests from any of the performance standards in order to support the design philosophy and collaborative process. All waiver requests shall be discussed at the pre-application meeting and made in writing to the Planning Board.

1. Open Space

a. Open Space Design

i. At least 60% of the total area of the subject parcel shall be preserved as permanently protected common open space.

ii. All common open space areas shall be part of a larger contiguous and integrated open space system within the parcel being developed. At least 75% percent of common open space shall be contiguous to another common open space area. Areas shall be considered contiguous if they are no more than 100 feet of each other and there are no impediments to access between these areas.

iii. Common open space shall be at least 50 feet in its smallest dimensional width and at least 10,000 square feet in total area.

iv. Common open space shall, to the greatest extent possible, protect site features identified in the site plan analysis.

v. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes.

b. Open Space Ownership and Maintenance

Open space shall be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof and shall be drafted and reviewed by the Planning Board:

i. Dedication of Open Space to a suitable land trust.

ii. Dedication of development rights of Open Space to a suitable land trust with ownership by a private individual or homeowners association.

iii. Ownership of the Open Space by a homeowners' association which assumes full responsibility for its maintenance with open space protection deed restrictions enforceable by any landowner in the subdivision, any owner of separate land parcels abutting the Open Space, or the Municipality.

If a homeowner's association is to be formed it shall be incorporated by the developer prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities shall also be subject to Planning Board approval. The association's documents shall specify that:

i. The association shall have the responsibility of maintaining the designated Open Space and other private facilities dedicated to the use in common by the development's resident.

ii. The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common Open Spaces and facilities.

iii. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

iv. The developer shall maintain control of designated Open Spaces and facilities and be responsible for their maintenance until at least 51% of the development lots or units have been conveyed, with evidence of such completion and sales

submitted to and approved by the Planning Board.

v. Each residential lot shall be subject to open space protection deed restrictions enforceable by any landowner within the subdivision, any owner of separate land parcels abutting the open space, or the Town of Pownal. This option may apply only if open space is part of an existing farm, working or not, if there is a future intent to farm by the owner and no land trust is willing to accept dedication of development rights of the Open Space.

c. Open Space Management Plan

The Open Space shall be managed according to a management plan for the designated Open Space and facilities. The Management Plan is subject to the approval of the Planning Board, and must meet the following criteria:

i. Identifies the entity assuming responsibility for stewardship and management of the designated open space, including regular inspections to confirm continued compliance with the terms of the subdivision approval and conservation easement or deed restrictions.

ii. Includes detailed standards and schedules for maintenance of the designated open space, including maintenance of vegetation.

iii. Allows for municipal maintenance in the event that the maintenance specified under the agreement is not completed and recovery of costs incurred from the designated management entity or the owners of the designated open space within the subdivision.

iv. Provides that any amendments to the plan shall be reviewed and approved by the Planning Board.

~~i.~~v. Prior to the commencement of any timber harvesting a forest management and harvest plan defined by Title 36 MRSA section 573.3-A shall be submitted to the Planning Board. The plan must be prepared by a licensed professional forester or a landowner and be reviewed and certified by a professional forester.

d. Legal Review

Prior to final approval by Planning Board the applicant shall submit for review by the ~~municipal a~~Town Attorney any restrictive covenants, conservation easement, deed restrictions, homeowners' association documents or other legal agreements proposed for use in the Conservation Subdivision. The Town Attorney shall advise the Planning Board of the adequacy of such legal provisions. The applicant shall pay all associated costs of the legal review.

e. Open Space Use and Trails

Wherever possible in areas of potential trail connectivity, provisions shall be made for the creation of a trail system within the common Open Space to provide access from the subdivision homes to the open space network created by the subdivision.

The designated Open Space created by the subdivision shall be:

i. Shown on the subdivision plan with the following notation: "Designated Open Space shall not be further subdivided or used for future building lots";

ii. Shown on the subdivision plan including boundaries of designated Open Space areas, active recreation area if any, agricultural area, and naturally, undisturbed vegetated areas and marked in the field with signage approved by the Planning Board to distinguish these areas from private property; and.

iii. Accessible to the owners or residents of the development, subject to any necessary limitations in connection with the uses of land (e.g., farming), which may be permitted.

f. Uses

i. Uses of open space shall be limited to passive recreation, or other passive outdoor activities, agriculture, forest management, and uses that preserve the natural features of the site. The use of any open space may be further limited or controlled at the time of final subdivision approval as necessary to protect adjacent properties.

ii. Passive recreation includes, but is not limited to walking, hiking, cross country skiing, snow shoeing, mountain biking, and horseback riding. Active recreation, such as hunting, snowmobiling or other motorized activity may be allowed based on the discretion of the owner of the open space. Access for the general public (i.e., those who are not lot owners or guests/invitees of lot owners) may be prohibited or may be limited to passive recreation on trails created within the designated open space.

2. Lot Density

a. The number of lots in a Conservation Subdivision shall not exceed the number of lots that would be allowed pursuant to the maximum net residential density requirements of the zoning district in which the subdivision is located, including the dimensional requirements applicable to road frontage. The Applicant shall submit a Lot Density Map showing that the parcel could be subdivided into the number of proposed lots on buildable land in a manner that meets the density and frontage requirements applicable to Minor Subdivisions.

b. Only 600 feet of each buildable private road(s) the applicant proposes shall be used in calculating the maximum number of lots on the Lot Density Map.

3. Minimum Lot Size

a. The minimum lot size may be reduced to ½ acre as long as the applicant submits a plan for an Advanced Wastewater Treatment Disposal System.

4. Lot Setbacks

a. Setback requirements for a conservation subdivision shall be the same as those required in the zoning district in which the subdivision is located.

5. Frontage

a. Minimum road frontage for residential (but not open space) lots shall be no less than

75 feet.

b. All Conservation Subdivisions shall have at least 650 feet of public road frontage.

6. Buffers

a. The purpose of a buffer shall be to maintain natural features and viewsheds as well as minimize any adverse impacts or nuisances on the site or on adjacent properties.

b. The buffer may include a mix of native trees, shrubs, and other native vegetation that provides a year-round screen. Planting of invasive vegetation shall not be allowed. Invasive vegetation is defined in the Maine Natural Areas Program Invasive Plants List as amended.

i. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and the public road.

ii. For non-wooded buffer areas, evergreens can be used as screening provided; they are planted in two (2) rows of staggered plantings. The rows should be seven (7) feet apart and the evergreen planted six (6) feet on center.

iii. All buffers shall be maintained by the property owner or Homeowner's Association.

c. New lots shall be set back a minimum 150 feet from existing public roads.

d. New homes shall be set back a minimum of 200-feet from existing public roads.

e. A 75-foot buffer shall be provided around the entire property.

f. The Board may require additional buffering around new roads to protect existing viewsheds and views from the public road.

7. Private Roads

a. New private roads in Conservation Subdivisions shall be designed with creativity and sensitivity to minimize impacts on scenic, open space, archaeological, social, cultural, and environmental resources. Cisterns are required per Section 903 of the Ordinance.

b. New private roads shall be designed to fit harmoniously with the existing topography.

c. Any new driveways shall be located off new private roads only.

d. No private road can have two points of entry from an existing road.

e. New private roads shall be spaced at least 750 feet apart. New private roads in a Conservation Subdivision shall comply with the standards of Appendix 16 of the Ordinance:

i. Minimum width ROW shall be 60 feet.

ii. Minimum width of pavement shall be 20 feet.

iii. Width of shoulders shall be 4 feet.

iv. Maximum road length shall be 1,000 feet. The Board shall have the ability to

grant waiver requests from maximum road length on a case-by-case basis.

f. Cul de sacs are allowed on a case-by-case basis upon review from the road commissioner and are subject to the following dimensional standards:

i. Cul de sac turnaround radii at the property line shall be 75 feet.

ii. The outer edge of the pavement shall be 64 feet.

iii. If a vegetated center is proposed, the inside radius of pavement shall be 40 feet

iv. The area of transition from street to cul de sac shall be designed with a turning radius of no less than 50 feet.

8. Minimum Water Supply Standards for Fire Suppression Operations

a. The subdivider shall provide adequate and reliable water for firefighting purposes, as determined in the sole opinion of the Fire Chief or their designee, such as underground cisterns or fire ponds with dry hydrants. The water supply shall be installed by the applicant, shall be in working order, and shall be approved by the Fire Chief or their designee prior to the issuance of any Certificate of Occupancy for structures in the subdivision. All fire protection water supplies equipped with a dry hydrant shall be designed, located, and installed in accordance with guidelines adopted by the Town of Pownal. A detailed plan of the required pond or cistern, dry hydrant, piping, or access road, shall be submitted as a part of a subdivision application. The Fire Chief shall approve the design of all storage facilities.

b. Any Conservation Subdivision must provide an alternative water source for fire suppression operations under the following circumstances:

i. The furthest building is more than 1,500 feet from a public water system capable of handling large flows needed for fire suppression

ii. The furthest building is more than 1,500 feet from a certified water source with a dry hydrant installed. The water source must be certified in writing by a qualified hydrologist or engineer.

c. Underground Cisterns. When installed in a Conservation Subdivision, an underground cistern shall conform to the following specifications:

i. The cistern shall be constructed when the first house within the subdivision is started.

ii. The cistern shall be inspected by the Fire Department and CEO to ensure the correct storage capacity unit is installed to the standards of the Ordinance and/or Planning Board, fire department requirements.

iii. The cistern shall be tested by the fire department before it is covered with fill. If a cistern is covered before the fire department can inspect, a vacuum test must be done by the owner and must pass to be compliant with the Ordinance. The applicant must fill the cistern to comply with the Ordinance. Documentation of passing the test must be provided to the Fire Chief and Code Enforcement Officer within five (5) days of the test.

iv. The cistern shall be inspected and tested and ready for use before the first house

within the subdivision receives a home occupancy permit.

v. All fire cisterns for new development shall be vacuum tested by a third party using approved testing equipment.

vi. The cistern shall hold 10" hg vacuum for a period of no less than two (2) minutes. A drop of 0.5" or less in the mercury reading shall be considered a passing test. All tests exceeding a drop of 0.5" hg shall be considered a failing test and the contractor will need to re-seal all joints and re-test at the contractor's expense. The Town of Pownal or its designee reserves the right to witness the test and shall be provided with a copy of the test results in writing from the third-party testing contractor.

vii. A minimum storage capacity of 12,000 gallons shall be provided for a subdivision containing 5 lots. They shall be constructed of concrete or fiberglass and shall be buried fixtures. If there are more than 5 lots additional storage of 2,000 gallons per lot or principal building shall be provided. The Planning Board and Fire Chief may require additional storage capacity upon a recommendation from the Fire Chief that such additional capacity is necessary due to the specific conditions of the subdivision.

viii. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to cisterns shall be 8 inches with a 6-inch hose connector. The cistern must also be provided with a 4-inch fill port and an appropriate size vent pipe.

ix. The dry hydrant shall be located so that fire trucks may connect to the hydrant by means of one 10-foot section of hard suction hose.

x. The applicant shall be responsible for the maintenance of the fire protection water supply for a period of one year following its installation and shall be responsible for any improvements determined to be necessary by the Fire Chief during this period to provide the required storage capacity and flows.

xi. Where the dry hydrant or other water source is not within the right-of-way or existing street and easement to the town shall be provided to allow access for use and maintenance. A suitable access way to the hydrant or other water source shall be constructed to the same standard as the subdivision road. The area within 37.5 feet each side of the hydrant, parallel to the road and extending to the roadway shall be kept clear of all obstacles and shall be posted "NO PARKING, FIRE LANE".

d. Fire Ponds

i. Fire ponds may be allowed in lieu of holding tanks if the water source is approved by the Fire Chief. A fire pond~~s~~ shall be constructed with a 2:1 sloped (horizontal: vertical) banking and minimum depth of 10 feet. The fire pond shall have a minimum capacity of 120,000 gallons as certified by a Maine registered professional engineer and shall be maintained at or above that volume at all times. An overflow system shall be installed and maintained.

ii. Where ponds are proposed for water storage the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.

~~i.~~iii. All prior dry hydrant specifications shall apply.

909 Variances and Waivers

A. Where the Board of Appeals finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.

B. Waiver or Required Improvements or Standards.

1. Where the Board of Appeals finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

2. In the case of Performance Standards, the Planning Board may modify provisions of the Zoning Ordinance relating to space and bulk as specified in Section 10 Special Provisions of the Pownal Zoning Ordinance.

3. The Planning Board may waive the standards in Article 8 Public and Private Roads Ordinance for ‘Minor Dead-End Streets 600 feet or less so long as the Planning Board determines that the public health, safety and general welfare would be met by the modified standards.

4. The Planning Board may waive a standard or allowed modification or any standard or requirement of this ordinance if it is determined if such waiver or modification will not have the effect of nullifying the intent or purpose of the ordinance or have a negative impact on public health, safety or welfare. In granting variances and modifications, the Board of Appeals shall require such conditions as will, in its judgement, secure substantially the objectives of the requirement so varied or modified.

910 Performance Guarantee and Post-Approval Activities

A. Performance Guarantee Established. [RESERVED]

B. Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the Town Engineer or consulting engineer and whatever other agencies and department may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances.

C. Inspection of Required Improvements

1. Before the Building Inspector issues any building permit and before any work begins on improvements in or related to the subdivision, the subdivider shall, in an amount set by the Planning board, either file with the town Treasurer a certified check, performance bond or a letter of credit from a bank, acceptable to the town to cover the full cost of the required improvements. A period of one year (or such other period as the Planning Board may determination appropriate, not to exceed three years) shall be set forth in performance guarantee within which required improvements must be completed. The performance guarantee shall include an amount required for recreation land or improvements as specified.

2. At least five (5) days prior to commencing construction of required improvements the subdivider shall:

   a. Pay an inspection fee equal to two (2) percent of the cost of the required improvements, or

   b. Pay an inspection fee equal to the estimated cost of inspection by the Town Engineer, or consulting engineer

   c. The fee is payable by check to the Town of Pownal stating the purpose of the fee. The subdivider shall notify the Municipal Officers in writing of the time when s/he proposes to commence construction of such improvements so that the Municipal Officer can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

3. If the Town Engineer or consulting engineer shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, s/he shall so report to the Select Boardmen, Building Inspector and the Planning Board. The Select Boardmen shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Town's rights under the performance bond guarantee.

4. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Town Engineer or consulting engineer that

unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Town Engineer or consulting engineer may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Town Engineer or consulting engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

5. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

D. Final Approval and Filing

1. Upon completion of the requirements in Sections 5 and 6 above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Select Boardmen. The Plan shall then be filed with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety
2. (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.
3. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Select Boardmen and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years of a period of time mutually agreed to by the Select Boardmen, Planning Board and the subdivider.

E. Plan Revisions after Approval

No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan unless the Plan is first resubmitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.

F. Public Acceptance of Streets, Recreation Areas

The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such plan.

911 Final Approval and Filing

(RESERVED)

912 Enforcement

A. No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in these standards, nor until such approval shall have been entered on such Final Plan by the Planning Board.
B. No person, firm, corporation or other legal entity may convey, offer or agree to convey and land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be in violation of the provisions of these standards and shall be subject to enforcement under 30-A M.R.S.A. Section 4452. The Attorney General, the Town or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.
D. No public utility, water district, sanitary district or any utility company of any kind may serve any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.
E. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these standards, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Cumberland County Registry of Deeds and any required performance guarantee and fees have been paid to the Town.