

Code of Ordinances
Part II, General Legislation
Amendment to
Chapter 140. Zoning.

The Mandatory Shoreland Zoning Act, 38 M.R.S.A., sections 435-449 with guidelines and the Board of Environmental Protection (Board) require municipalities to adopt shoreland zoning ordinances consistent with, or no less stringent than, those minimum guidelines set forth in the Act and by the Board. This amendment to the Code incorporates the most current State Shoreland Zoning into the South Berwick Chapter 110, Shoreland Zoning.

The changes through Chapter 140 and Chapter 121 of the Code are in the following Articles and Sections. These amendments are to repeal Section 140-48, Shoreland Standards and Section 140-48.1, Minor Freshwater Wetlands in order to adopt Chapter 110, Shoreland Zoning.

Chapter 110

SHORELAND ZONING

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ARTICLE I
General Provisions

§110-1. Purpose.

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

§110-2. Authority.

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

All provisions in Chapter 110, Shoreland Ordinance are in addition to Zoning, Chapter 140.

§110-3. Applicability.

This Ordinance regulates land uses within 250 feet, horizontal distance, of

- Normal high-water line of any great pond, river, or streams
- Upland edge of a major freshwater wetland
- Upland edge of a coastal wetland, including all areas affected by tidal action
- Recognized features as listed in Section 110-18.A. (4),(5), (6)
- Shoreland and Slope District

This Ordinance is also applicable to areas within:

- 100 year FEMA Floodplain Zones
- Minor Freshwater Wetlands
- Section 110-18 A.(3)-Zone within 100 feet, and

This Ordinance distinguishes between the regulated horizontal limit and the stipulated setback distances or other requirements for uses within the zone area.

- ~~all land areas within 100 feet of upland edge of a minor freshwater wetland, and all land areas within 100 feet, horizontal distance, of the normal high water line of a stream.~~

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

Tributary Streams are regulated by this ordinance and separately may also be protected under the Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A to 480-HH.

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Comment [k1]: Deleted "protected under MRSA Title 38 Natural Resources Protection Act" per DEP order.

§110-4. Effective Date.

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on August 31, 2010, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the

Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

- B. Sections 140-48, Shoreland Standards in Chapter 140 of Zoning are repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time Chapter 110 for SHORELAND ZONING shall become effective. Until Section 140-48 is repealed, Chapter 110, SHORELAND ZONING, is not in effect and Chapter 110 for Shoreland Zoning is hereby in effect as of the amendment of this ordinance, subject to §110-4(A), above.”

Comment [k2]: Revised per DEP order.

§110-5. Availability.

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

§110-6. Severability.

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

§110-7. Conflicts with Other Ordinances.

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

§110-8. Amendments.

A. An amendment to this chapter may be initiated by:

- (1) Written petition of a number of voters equal to at least 10% of the registered voters of the Town and following the provisions of the Town Charter, Article VIII, Section 2.
- (2) The Town Council, provided that a majority of the Council so voted.
- (3) The Planning Board, provided that a majority of the Board has so voted.
- (4) An application by any individual to the Planning Board, as long as a majority of the Board so votes.

B. An amendment to this chapter may be adopted by:

- (1) The Town Council following the provisions of the Town Charter, Article II, Section 3, Subsection VI, if the amendment is initiated by the Town Council, the Planning Board or an application approved by the Planning Board.
- (2) A Special Town Meeting following the provisions of the Town Charter, Article VII, Section 2, if the amendment was initiated by a written petition in accordance with Subsection A.(1), above.
- (3) In either case, the Town Council shall hold a public hearing on the proposed amendment as required by Article VII, Section 2, or by Article II, Section 11, of the Town Charter. The

Planning Board shall report its recommendation regarding the proposed amendment at the public hearing.

- C. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

§110-9. Official Shoreland Zoning Map.

- A. Said districts are located as shown on the Official Shoreland Zoning Map, entitled "Shoreland Zoning Map of South Berwick, Maine," based upon the written descriptions contained in Article III, Section 110-18, District Boundaries of this chapter, dated and on file in the office of the Town Clerk. The Official Map shall be signed by the Town Clerk and Chairman of the Town Council at the time of adoption or amendment of this chapter, certifying the date of such adoption or amendment. Additional copies of the Shoreland Zoning Map may be seen in the municipal offices.
- B. In cases of disagreement between the Shoreland Zoning Map and the written descriptions in Article III, Section 110-18, District Boundaries, the written description shall prevail.
- C. The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

§110-10. Basic Requirements.

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

§110-11. Definitions.

~~(AGRICULTURE, LIVESTOCK: See "Animal Husbandry".~~

~~ANIMAL HUSBANDRY: The keeping of any domesticated animals other than household pets.)~~

~~(AGRICULTURE, NON-LIVESTOCK: The cultivation of soil and the producing or raising of crops, including gardening as a commercial operation. The term shall also include greenhouses, nurseries and versions thereof; but those two (2) terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs and/or trees are grown for sale.)~~

~~ANIMAL HUSBANDRY: The keeping of any domesticated animals other than household pets.~~

~~(BASAL AREA: The area of cross section of a tree stem at diameter breast height (4.5 feet above the ground) and includes bark.)~~

~~AGRICULTURE, LIVESTOCK— See Chapter 140-9. Definitions.~~

~~AGRICULTURE, NONLIVESTOCK— See Chapter 140-9. Definitions.~~

AQUACULTURE - The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain having a one-percent or greater chance of flood in any given year.

BASAL AREA: [The area of cross section of a tree stem at diameter breast height \(4.5 feet above the ground\) and includes bark.\)](#)

~~**BASAL AREA** - See Chapter 140-9- Definitions.~~

BASAL AREA, RESIDUAL: The total of the basal area of trees remaining on a harvest area.

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year, alternately referred to as the "one-hundred-year flood."

BOATHOUSE - A nonresidential structure designed for the purpose of protecting or storing boats.

BOAT LANDING - 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.

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.

BODY OF WATER - Any river, stream, brook, wetland, or pond as defined herein.

BUREAU - State of Maine Department of Conservation's Bureau of Forestry. (The Town has incorporated the State's timber harvesting standards.)

CHANNEL - A natural or artificial watercourse with definite beds and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

COASTAL WETLANDS - All tidal and sub tidal lands, including ~~all areas below any identifiable debris left by tidal action~~; all areas with vegetation that is tolerant of salt water and occurs primarily in a saltwater or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service.

CROSS-SECTIONAL AREA - The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight-line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DRIVEWAY - In Shoreland Zoned areas only, the term "Driveway" means: A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

FLOOD - A temporary rise in stream flow or tidal surge that results in water overflowing its banks and inundating adjacent areas.

FLOOD INSURANCE MAP - The official map on which the Department of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk-premium zones applicable to the town.

FLOODPLAIN - The lands adjacent to a body of water, which have been or may be covered by the regional flood.

FLOOD PROOFING - A combination of structural provisions, changes or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings.

FLOOD, REGIONAL - The maximum known flood or a body of water; either the one-hundred-year-frequency flood, where calculated, or the flood of record or evidence of vegetative changes.

FLOODWAY - The channel of a natural stream or river and portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

FLOOR AREA - In Shoreland Zoned areas only, the term "Floor Area" means: 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 as measured from exterior points.

FOUNDATION - In Shoreland Zoned areas only, the term "Foundation" means: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

FORESTED WETLAND - A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty {20} feet) or taller.

FRESHWATER WETLANDS, MAJOR - Freshwater swamps, marshes, bogs, and similar areas (other than forested wetlands) which are:

- A. Ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
- B. Inundated or saturated by surface or ground water at a frequency and for duration sufficient to support, and under which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FRESHWATER WETLANDS, MINOR - A wetland of two or more contiguous acres, excluding Major Freshwater Wetlands, as identified on the Federal National Wetlands Inventory.

FRONTAGE, SHORE — ~~The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high water elevation.~~
(See Shore Frontage)

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 commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water - borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

GREAT POND – Any inland body of water which, in a natural state, has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

HEIGHT OF A STRUCTURE: See Chapter 140-9. Definitions.

LIMITED RESIDENTIAL SHORELAND DISTRICT ~~—Any areas suitable for residential and recreational development which are used less intensively than those in the Business Districts and currently developed. This district shall include areas when they occur within the limits of the Resource Protection District-Inland Wading Waterfowl Habitat (IWWH) resource protection areas suitable for residential and recreational development which are used less intensively than those in the Business Districts and currently developed. This district shall include areas as shown on the South Berwick Official Shoreland Zoning Map and Table C footnote (4).~~

LOT AREA - In Shoreland Zoned areas only, the term "Lot Area" means: 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 the upland edge of a wetland and areas beneath roads serving more than two lots.

LOT, SHOREFRONT - Any lot abutting a body of water.

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

NORMAL HIGH WATER LINE - That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. 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 open water. Areas contiguous with rivers and great ponds that support wetland vegetation and hydric soils, and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. ~~—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. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils, and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high water are considered part of the river or great pond.~~

NONCONFORMING LOTS OF RECORD: See Chapter 140-9. Definitions.

NONCONFORMING USE: See Chapter 140-9. Definitions.

PIERS, DOCKS, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND.

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

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

PRINCIPAL BUILDING: See Chapter 140-9. Definitions.

PRINCIPAL USE: See Chapter 140-9. Definitions.

RECENT FLOOD PLAIN SOILS - The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial
Charles
Cornish
Fryeburg

Hadley
Limerick
Lovewell
Medomak
Ondawa
Podunk
Rumney
Saco
Suncook
Sunday
Winooski

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

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

ROAD - In Shoreland Zoned areas only, the term “Road” means: 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, excluding a driveway as defined.

SETBACK FROM WATER - The horizontal distance from the normal high-water elevation to the nearest part of a structure, road parking space, or other regulated object or area.

SHORE FRONTAGE - The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND ZONE - The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within two hundred and fifty (250) feet of the normal high-water line of a stream.

~~**RIVER, STREAM, OR BROOK** - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial tributary streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. “River, Stream, or Brook” does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining storm water or a grassy swale.~~

~~**STRUCTURE** - See Chapter 140-9, Definitions. (In Shoreland Zoned areas only, the term “Structure” means: **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, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located), such as decks, patios, and satellite dishes. (DEP guidelines)~~

~~**STREAM** - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the~~

~~body of water becomes a river or flows to another water body or wetland within the shoreland area. (See definition for Stream, above)~~

TIDAL WATERS – All waters affected by tidal action during the maximum spring tide.

TRIBUTARY STREAM - A channel between defined banks not identified in Section 110-18 A. or B. A channel is created by the action of surface water and has two or more of the following characteristics:

- A. It is depicted as a solid line or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 minute series topographic map.
- B. It contains or is known to contain flowing water continuously for a period of at least three months of the year in most years.
- C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

~~A tributary stream does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining stormwater or a grassy swale, 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 aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. *Perennial tributary stream is defined as containing free flowing water for a minimum of 6 months of the year.*~~

UPLAND EDGE OF A WETLAND - The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation,
~~; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by forested wetlands:~~

VOLUME OF A STRUCTURE - In Shoreland Zoned areas only, the term “Volume of a Structure” means: 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.

~~**WETLAND** – A freshwater or coastal wetland.~~

WATER BODY - Any great pond, river, stream or tidal area or wetland.

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.

WATER-ORIENTED BUSINESS - Commercial and industrial facilities which by the nature of their operations require a shorefront location, such as but not limited to boatyards, marinas, bathhouses and commercial fisheries facilities.

WETLAND - A freshwater or coastal wetland.

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS – Wetlands contiguous with or adjacent to a great pond or river and which, during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm.

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causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetlands associated with great ponds or rivers are considered part of that great pond or river except as noted herein.

~~WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS—Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river except as noted herein.~~

ARTICLE II Nonconformance

§110-12. Requirements.

Purpose. It is the intent of this Ordinance to promote land use conformities in addition to the provisions in §140-5.

§110-13. Nonconforming Structures within Areas Regulated by Shoreland Zoning.

A. Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (1) and (2) below.

- (1) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 110-14 and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
- (2) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 110-13.B, Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 110-13.A. (1), above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

B. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of

the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required within one (1) year as follows:

- (1) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.
- (2) Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
- (3) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation, which may consist of grasses, shrubs, trees, or a combination thereof.

§110-14. Reconstruction of nonconforming buildings.

- A. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.
- B. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 110-13.A, above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 110-13.B, above.

- C. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.
- D. In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 110-13.B, above, the physical condition and type of foundation present, if any.

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

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

§110-15. Nonconforming uses.

- A.** Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 110-13.A.(1) above.
- B.** Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- C.** Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 110-14.E, above.

§110-16. Nonconforming lots of record.

- A.** Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

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

- B.** Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
- C.** Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of

these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

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

- (1) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- (2) Any lots that do not meet the frontage and lot size requirements of Section 110-16.C. (1) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

ARTICLE III Establishment of Shoreland Zoning

§110-17. Overlay Zones.

RP Resource Protection District.
SP Shoreland and Slope District.
FEMA 100-yr. Floodplain Zone.
LRS Limited Residential Shoreland District.
MFW Minor Freshwater Wetland District.

The purposes of the land use districts are as follows:

- A. Resource Protection District. To control the use of shoreland and other areas to provide maximum protection to the land and water resources. Such areas include but are not limited to wetlands, swamps, marshes, bogs, poorly drained soils, one- hundred-year floodplains and significant wildlife habitats. [Amended 4-11-1988]
- B. Shoreland and Slope District, and 100-yr. Floodplain Zone.
 - (1) To protect from activities or alterations that would unreasonably cause or increase flooding of areas or adjacent properties.
 - (2) To provide maximum protection to the land and water resources with controls of use and development of undeveloped shoreland areas.
 - (3) To minimize expenditures of public monies for flood-control projects.
 - (4) To minimize rescue and relief efforts undertaken at the expense of the general public.
 - (5) To minimize flood damage to public facilities, such as water mains, sewer lines, streets, roads and bridges.
 - (6) To protect the storage capacity of floodplains and assure retention of sufficient floodway area to convey flood flows which reasonably can be expected to occur.
 - (7) To encourage open space uses, such as agriculture and recreation.
- C. Limited Residential Shoreland District. To allow ~~for those areas suitable for residential and recreational development which are used less intensively than those in the Business Districts and are currently developed. This district shall include areas when they occur within the limits of the Resource Protection District within Inland Wading Waterfowl Habitat (IWWH) resource protection areas suitable for residential and recreational development which are used less intensively than those in the Business Districts and currently developed. This district shall include areas as shown on the South Berwick Official Shoreland Zoning Map and Table C footnote (4).~~

- D. Minor Freshwater Wetland District. To further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding; and accelerated erosion; to control building sites, placement of structures and land uses; and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in Shoreland and adjacent areas.

§110-18. District Boundaries.

A. Resource Protection District - RP.

- (1) All land within two hundred fifty (250) feet from the normal high-water line (as measured from the edge of the associated wetland) of the following water bodies:
 - (a) Round Pond.
 - (b) Warren Pond.
 - (c) Knights Pond and its outlet.
 - (d) Ogunquit Brook.
 - (e) Chicks Brook, upstream of Emery's Bridge Road.
 - (f) White Marsh Brook.
 - (g) Cox Pond and its outlet to White Marsh Brook.
 - (h) Hooper's Swamp and Hooper's Brook upstream of Belle Marsh Road. ~~[Added 3-13-1989]~~
 - (i) Leigh's Mill Pond. ~~[Added 3-13-1989]~~
 - (j) Salmon Falls River/Piscataqua River to its tidal limits.
- (2) The Great Works River in the R3 and R4 Districts (as measured from the edge of the river channel).
- (3) The following resources to their boundary limits:
 - (a) Coastal wetlands. [Added 12-12-1988]
 - (b) All one-hundred-year floodplains. [Added 4-11-1988]
 - (c) Major Freshwater wetlands. [Added 12-12-1988]
 - (d) Minor Freshwater Wetlands.
 - (e) Areas of two or more contiguous acres with sustained slopes of twenty (20%) or greater when located within a Shoreland and Slope District (Section 110-18.B.)
 - (f) Land areas along rivers subject to severe erosion, undercutting, or riverbed movement and lands adjacent to tidal waters, which are subject to severe erosion or mass movement, such as a coastal bluff.
 - (g) For the purpose of this Section, the Resource Protection District shall be a (300) foot radius from the wellhead. However, the Protection District from the Junction Road wellhead shall be an area as described in the Caswell, Eichler, and Hill study "Hydro Geological Evaluation of Bedrock Well at Junction Road Site, South Berwick, Maine, and September, 1994." These zones will be established only after public notice and a public hearing in accordance with Section 140-6 of the Zoning Ordinance. For all new wellhead protection areas, Resource Protection Zones will be based on hydro geological studies/recommendations and will be established according to Zoning, Section 140-6. [Adopted 5-28-96]

Wells representing the location of a public water supply in South Berwick, and portion of Berwick, Maine servicing the South Berwick Water District as recorded by the Maine Drinking Water Program, June 2003.

- (h) Vaughan Woods.
- (i) All areas mapped as very poorly drained soils on the medium-intensity Soil Survey of York County, Maine. In the event that a soil classification boundary designating the limits of the Resource Protection District is challenged by a landowner or abutters, the landowner or abutters shall present evidence that the land in question does not contain soils, which are classified as being very poorly drained by the United States Soil Conservation Service. A high intensity soil survey performed by a registered soil scientist, licensed in the state of Maine may constitute such evidence.

(4) The following resources as identified in the Town's Comprehensive Plan and land within two hundred and fifty feet (250) of those resources as shown on the official Shoreland Zoning Map of South Berwick.

- (a) The Balancing Rock.
- (b) The Spring Hill Overlook.
- (c) The Gorge.

(5) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value [as most recently mapped, or](#) waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of [May 1, 2006](#)-December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

(6) Limited Residential Shoreland District – LRS.

All land within two hundred fifty (250) feet from the normal high-water line (as measured from the edge of the associated wetland) of the following [IWWH](#) water bodies as mapped within the areas of:

- (a) Fife's Lane and Old South Road.
- (b) York Woods Road.

B. Shoreland and Slope District - SP [Amended 12-12-1988]

(1) Unless previously classified as Resource Protection, all land within two hundred fifty (250) feet horizontally of the normal high-water line, as measured from the edge of the stream channel, of the following water bodies:

- (a) Dennett Brook.
- (b) Boyd Brook.
- (c) Great Works River in the R1 and R2 Districts (the high water line shall be measured from the edge of any associated wetland.)
- (d) Chicks Brook, downstream of Emery's Bridge Road.
- (e) Lover's Brook.
- (f) Shorey's Brook.
- (g) Quamphegan Brook.
- (h) Lord Brook.
- (i) Hooper's Brook.
- (j) Knights Brook.
- (k) Warren Brook, south of Bickel Mountain.

- (l) Hussey Brook, north of Great Hill.
 - (m) Bennett Brook.
 - (n) Hamilton Brook.
 - (o) Driscoll Brook.
 - (p) Salmon Falls River above Route 4 (high water line shall be measured from the edge of any associated wetland.)
 - (q) Unnamed Stream 1 [as shown on Shoreland Map](#).
 - (r) Unnamed Stream 2 [as shown on Shoreland Map](#).
 - (s) Hilton Brook.
- (2) Land within two hundred fifty (250) feet of a major freshwater wetland boundary. [Added 12-12-1988]
 - (3) Land within two hundred fifty (250) feet of a coastal wetland boundary. [Added 12-12-1988]
 - (4) Any other free-flowing body of water, not listed above, which flows from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minutes series topographic map, to the point where the body of water becomes a river.
- C. 100-yr. Floodplain Zone - FEMA. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- D. Minor Freshwater Wetland - MFW. A wetland of two or more contiguous acres, excluding Major Freshwater Wetlands, or forested wetlands as identified on the Federal National Wetlands Inventory.

ARTICLE IV
Land Use Standards

§110-19. Performance Standards for Specific Uses.

Two-Family and Multifamily Dwellings.

A. New construction. New two-family and multifamily dwellings shall meet the following minimum road and Shoreland frontage as indicated in Table C.

ARTICLE V
Shoreland Standards

The following standards shall apply to all land areas within two hundred fifty (250) feet of all water bodies protected by the Resource Protection District in Section 110-18.A. (1) and (2), the Shoreland and Slope District in Section 110-18.B. (1), (2) and (3) and Limited Residential Shoreland District in Section 110-18.A. (6), except that if any of these standards conflict with a stricter provision of this chapter, the more restrictive provision shall apply:

§110-20. Agriculture.

A. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

- B. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified **GPA**-in Great Ponds Act or a river flowing to a great pond classified **GPA**-in Great Ponds Act, or within one hundred (100) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- C. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the Shoreland Zone shall require a Conservation Plan, as approved by the Natural Resources Conservation Service, to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- D. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified **GPA** in Great Ponds Act; within one hundred (100) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- E. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified **GPA**-in Great Ponds Act; within one hundred (100) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan, as approved by the appropriate reviewing agency.

§110-21. Beach Construction. Beach construction on any great pond or coastal wetland or on any river, stream or brook shall require a permit from the Department of Environmental Protection.

§110-22. Campgrounds.

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

- A. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- B. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified **GPA**-in Great Ponds Act or a river flowing to a great pond classified **GPA**-in Great Ponds Act, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

§110-23. Individual Private Campsites.

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

- A. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the Shoreland Zone, whichever is less, may be permitted.

- B. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified ~~GPA~~ in Great Ponds Act or river flowing to a great pond classified ~~GPA~~ in Great Ponds Act, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- C. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- D. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- E. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- F. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

§110-24. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

- A. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 100 feet, horizontal distance, and inland from the normal high-water line, except to remove safety hazards.

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

- B. Except in areas as described in Section 110-24.A, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified ~~GPA~~ in Great Ponds Act or a river flowing to a great pond classified ~~GPA~~ in Great Ponds Act, and one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- (1) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
- (2) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this Section a "well-distributed stand of trees" adjacent to a great pond classified ~~GPA~~ in Great Ponds Act or a river or stream flowing to a great pond classified ~~GPA~~ in Great Ponds Act, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 feet above ground level (inches)	Points
2 - <4 "	1
4 - <8 "	2
8 - <12"	4
>12 "	8

Adjacent to areas zoned as Shoreland and Slope a well-distributed stand of trees is defined as maintaining a minimum rating score of 8 per ~~25-foot square area~~ 25-foot by 50-foot plot area.

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of ~~10~~ 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

- (a) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
 - (b) Each successive plot must be adjacent to, but not overlap a previous plot;
 - (c) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
 - (d) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by ~~is~~ this Ordinance;
 - (e) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.
- (3) For the purposes of this Section "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- (a) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 110-24, A and B.
- (b) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (c) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
- (d) Section 110-24.B does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- C. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified ~~GPA~~ in Great Ponds Act or a river flowing to a great pond classified ~~GPA~~ in Great Ponds Act, and one

hundred (100) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the Shoreland Zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the applicable business districts.

- D. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- E. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 110-24.

§110-25. Erosion and Sedimentation Control.

- A. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (1) Mulching and revegetation of disturbed soil.
 - (2) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (3) Permanent stabilization structures such as retaining walls or rip rap.
- B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - (1) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - (2) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (3) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip rap.

§110-26. Mineral Exploration and Extraction.

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

Mineral extraction may be permitted under the following conditions:

- A. A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 110-26.D, below.
- B. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified **GPA** in Great Ponds Act or a river flowing to a great pond classified **GPA** in Great Ponds Act, and within one hundred (100) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- C. When gravel pits must be located within the Shoreland Zone, they shall be set back as far as practicable from the normal high-water line and no less than one hundred (100) feet and screened from the river by existing vegetation.
- D. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (1) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (2) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (3) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- E. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

§110-27. Additional Shoreland Structures.

Piers, docks, wharves, breakwaters, causeways, marinas bridges, structures and uses extending over or beyond the normal high water line of a water body or within a wetland. In addition to federal or state permits which may be required for such structures and uses, they shall conform to the following:

- A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- B. The location shall not interfere with existing developed or natural beach areas.

- C. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.
- D. The facility shall be located so as to minimize adverse effects on fisheries.
- E. No new structure shall be built on, over, or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- F. No existing structures built on, over or abutting a pier, dock wharf, or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- G. Except in the applicable business districts, structures built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- H. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

§110-28. Roads and Driveways.

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

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

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent. Section 110-28.A does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section except for that portion of the road or driveway necessary for direct access to the structure.

- B. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

- C. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 110-25.
- D. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- E. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- F. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

- (1) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
110-20	60-45
21 +	40

- (2) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- (3) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

- G. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

§110-29. Septic Waste Disposal.

- A. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:
 - (1) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than one hundred (100) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and;
 - (2) Holding tank is not allowed for a first-time residential use in the Shoreland zone.

§110-30. Signs.

The following provisions shall govern the use of signs in the Resource Protection and applicable Residential and Business Districts:

- A. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the applicable Business Districts, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- B. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- C. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- D. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- E. Signs relating to public safety shall be allowed without restriction.
- F. No sign shall extend higher than twenty (20) feet above the ground.
- G. Signs may be illuminated only by shielded, non-flashing lights.

§110-31. Principal and Accessory Structures.

~~Except for the Great Works River in the R1 and R2 A, all new principal and accessory structures (See Chapter 140) shall be set back at least two hundred and fifty (250) feet, horizontal distance, from the normal high-water line of great ponds classified GPA in Great Ponds Act and rivers that flow to great ponds classified in GPA-Great Ponds Act. and one hundred (100) feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the applicable Business Districts the setback from the normal high water line shall be at least twenty five (25) feet, horizontal distance, and Limited Residential Shoreland Districts the setback from the normal high water line shall be at least 100'. In the Resource Protection District the setback requirement shall be two hundred and fifty (250) feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.~~

~~See Other setbacks are listed in Table C, Shoreland Dimensional Requirements and Index.~~

In addition:

- (1) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (2) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area or eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

- (3) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Shoreland Zone and applicable Residential and Business Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (4) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils.
- (5) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland Zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the Shoreland Zone, including land area previously developed, except in the applicable Residential and Business Districts adjacent to tidal waters and rivers that do not flow to great ponds classified ~~GPA~~ in Great Ponds Act.
- (6) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100 year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - [1] The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - [2] Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - [3] Only native species may be used to establish the buffer area;
 - [4] A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland; A footpath not to exceed the standards in Section 110-24.B.(1), may traverse the buffer;
- (7) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

§110-32. Parking Areas.

- A.** Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the applicable Residential and Business Districts parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the applicable Business District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- B.** Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- C.** In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (1) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (2) Internal travel aisles: Approximately twenty (20) feet wide.

§110-33. Timber Harvesting.

- A.** No accumulation of slash shall be left within fifty (50) feet of the normal high-water mark of any pond, river or salt water body as defined. At distances of greater than fifty (50) feet from the normal high-water mark of such waters and extending to the limits of the area covered by Zoning, Chapter 140, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground.
- B.** Within a strip of land extending 250 feet inland from the normal high water line in a shoreland area zoned for Resource Protection abutting a great pond there shall be no timber harvesting except to remove safety hazards.
- C.** Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an un-scarified strip of vegetation of at least seventy five (75) feet in width for slopes up to ten (10%) percent shall be retained between the exposed mineral soil and the normal high water line of a water body or wetland edge. For each ten (10%) percent increase in slope, the un-scarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high water line of a protected water body.
- D.** Timber harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (1) Surface waters are frozen; and
 - (2) The activity will not result in any ground disturbance.
- E.** All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel rock or similar hard surface which would not be eroded or other wise damaged.

- F. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.
- G. Except in areas as described in Section 110-33.B, above, timber harvesting shall conform to the following provisions:
 - ⊕1. Selective harvesting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above the ground level on any lot in any ten year period is permitted. In addition:
 - (a) Within one hundred (100) feet, horizontal distance of the normal high water of a water body zoned for Resource Protection and within one hundred (100) feet, horizontal distance of water bodies zoned for Shoreland/Slope and tributary streams, there shall be no clear-cut openings and a well distributed stand of trees shall be maintained.
 - (b) At distances greater than one hundred (100) feet, horizontal distance of any water resource zoned for Resource Protection and the Great Works and Salmon Falls rivers and greater than one hundred (100) feet, horizontal distance of the water resources zoned for Shoreland/Slope, timber harvesting operations shall not create single openings in the forest canopy greater than the height of the average tree in the stand. Such openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
- H. Timber harvesting operations exceeding the (40%) percent limitation in paragraph G(1) above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

§110-34. Essential Services.

- A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- B. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- C. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

§110-35. Storm Water Runoff.

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

§110-36. Archeological Site.

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

§110-37. Minor Freshwater Wetlands.

This Section pertains to work to be carried out adjacent to, but not in, a minor freshwater wetland as defined. Adjacent work includes depositing of fill, excavating, bulldozing and scraping the land when located within one hundred (100) feet of the normal high-water line of a minor freshwater wetland.

- A. In order to prevent surface water which may carry sediment from the disturbance activity from directly entering a minor freshwater wetland:
 - (1) A twenty five (25) foot undisturbed strip of vegetation shall be maintained between the normal high-water line and the activity; and
 - (2) Where sustained slopes exceed 20% a one hundred (100) foot undisturbed strip of vegetation shall be maintained between the normal high-water line and the activity.
- B. These undisturbed buffer strip requirements do not apply to:
 - (1) Providing access to an approved use.
 - (2) Maintenance of existing roadways.
 - (3) Removal of underground storage tanks.
 - (4) Removal, replacement or maintenance of wastewater disposal systems.
 - (5) Placement and replacement of foundations and supports for legally existing or authorized structures.

**ARTICLE VI
Administration**

§110-38. Administration.

- A. **Administering Bodies and Agents.**
 - (1) Code Enforcement Officer. As defined in §140-73, Duties of enforcement officer.
 - (2) Board of Appeals. As defined in §140-76, Board of Appeals; appeal procedures.
 - (3) Planning Board. As defined in Chapter 3, Administrative Code; Article XII, Planning Board, and Chapter A148, Planning Board Bylaws; §A148-1, General.
- B. **Permits Required.** After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.
 - (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than seventy five (75) feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable Erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application.

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Chapter 140, Zoning: Attachment 1, Table A, Land Use; Attachment 2, Table B, Dimensional Requirements; and Attachment 3, Table C, Shoreland Dimensional Requirements.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits. Within thirty five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 110-38.B, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;

- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the provisions of Article V, Shoreland Standards.

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

E. Special Exceptions. In addition to the criteria specified in Section 110-38.D, above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

- (4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 100 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

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

G. Installation of Public Utility Service. A public utility, water district, sewer district or any utility company of any kind may not install services to any new structure located in the Shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

§110-39. Appeals and Zoning Board of Appeals. See Zoning, Chapter 140, Section 76.

- A. The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this chapter. Such hearing shall be held in accordance with Section 140-76.C. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this chapter by the concurring vote of a majority of the votes cast.
- B. Notwithstanding Section 110-39.A. above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- C. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

§110-40. Allowed Uses. See Appendix I, Table A, Land Use.

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

TABLE C
SHORELAND DIMENSIONAL REQUIREMENTS INDEX

(NA means "Not Applicable")

1. Minimum lot sizes for all other districts shall remain the same as shown in Table B, Dimensional Requirements.
2. If lot is served by on – site septic the minimum lot size shall be 40,000 square feet.
3. For permitted uses in the Resource Protection District, the setback for structures is 100 feet.
4. For areas of established development pattern, as defined by policy guidelines, at the time of adoption of this ordinance the setback from IWWH areas for structures allowed in the underlying zone is 100 feet. See Limited Residential Shoreland District.
5. Wellhead Protection shall be a 300-foot radius from a wellhead. See Section 110-18.A. (3) (g).

In addition, the following standards shall apply in all areas subject to shoreland zoning:

- ~~6.A.~~ Within an -area of land enclosed within the boundary lines of a lot, ~~minus the~~ -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 shall not be included towards calculating minimum lot area.
- ~~7.B.~~ Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- ~~8.C.~~ The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- ~~9.D.~~ If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

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Comment [k3]: Per DEP order, Footnotes 6, 7, 8, and 9 were deleted as they were not referenced anywhere in Table C. Instead, the wording was changed slightly and 6-9 became A-D. A-D will now apply to all shoreland areas.

Memo

To: Perry Ellsworth, Town Manager

From: Craig H. Skelton, Assessing Agent

Craig H. Skelton

Date: 08/09/2011

Re: FY 2012 Commitment

Adjustments made to the real estate value based on property splits, new construction, alterations, additions, decks, sheds and garages totaled \$ 347,000. The total taxable value of business personal property saw an increase of \$626,200.

These changes are summarized on the attached "Tax Rate Calculation Form." The commitment papers presented to you tonight for approval represent a tax rate of \$15.50 per thousand discussed last week during the council workshop.

Following is a calculation of the impact of the proposed tax rate on the amount of taxes for the average home including condominiums, in South Berwick.

Average Home	\$ 237,000	Average Home	\$ 237,000
FY 2010 Exmnt	\$ 9,500	FY 2011 Exmnt	\$ 10,000
FY 2010 Net Value	\$ 227,500	FY 2011 Net Value	\$ 227,000
FY 2010 Tax rate	\$ 15.10	FY 2011 Tax rate	\$ 15.50
Total Taxes	\$ 3,435.25	Total Taxes	\$ 3,518.50

The new tax rate applied to the average home with a Homestead Exemption represents an increase of \$ 83.25 over the prior year tax amount.

South Berwick Town Council July 26, 2011

Chairman David Burke called the meeting to order at 6:48pm. Councilors present included Gerald W. MacPherson, Sr., Jean Demetracopoulos, David H. Webster, and John C. Kareckas. Town Manager Perry Ellsworth was also in attendance.

Approval of Minutes

1. Council 7-12-11: On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant – July 12, 2011

On a motion by Mr. MacPherson, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the warrant in the amount of \$257,485.46.

Public Comment

1. **Ruth Boston, Emery's Bridge Rd, questioned the status of Comcast.** Mrs. Demetracopoulos stated that the build-out was complete, but there are still issues to address. She cautioned that there may be a deadline if any action regarding the performance bond is going to be taken.

2. George Muller, Portland St, commented about the speeding issue on Portland Street. He added that occasional stops are not working and more traffic calming measures need to be taken. He asked, again, that the speed limit sign be moved further up the road to slow traffic sooner.

Mr. Muller also thanked all of the volunteers that serve the community.

3. Bernard Mushorn, Portland St, also commented on the speeding issue on Portland Street. He recommended that the 25mph sign be moved from the Jewett Avenue intersection back toward the town line with Berwick (up the hill).

Town Manager's Report

-Thanked everyone for attending the special town meeting.

-Stated that 3 bids had been received for the library construction project. He added that the building will be ready in December to move into; although it will be usable, it may not be a finished product.

-Commented that the Town employees are a good and professional crew and some are feeling the stress of the budget issues at hand. He added that there are a number of things that need to happen over the next several years and more volunteers will be needed.

Unfinished Business

1. The Council discussed the FY 2012 budget and possible options to meet the LD1 limit. Residents Richard Clough, Audrey Fortier, and Eric Pelchat all spoke on the issue.

Town Manager Ellsworth asked the Council for direction on how it wished to proceed. He received confirmation to look at all positions, especially part-time, capital improvements, and the amount of the overlay.

On a motion by Mr. Kareckas, seconded by Mr. MacPherson, it was unanimously voted to hold a workshop on Tuesday, August 2nd at 6:30pm to discuss the 2012 budget and to hold a special council meeting on Tuesday, August 2nd at 7:30pm to discuss and take any necessary action regarding the 2012 budget.

New Business

1. On a motion by Mr. Webster, seconded by Mr. Kareckas, it was unanimously voted to accept the \$932 grant from the Strawberry Festival Committee for the purchase of 4 In Street Pedestrian Crossing Signs.

2. On a motion by Mrs. Demetracopoulos, seconded by Mr. MacPherson, it was unanimously voted to accept the \$2,685 grant from the Strawberry Festival Committee for the Recreation Department's Granite State Zoo program.

Council Member Comments

1. Mr. MacPherson:

-Congratulated Lt. Christopher Burbank for completing his FBI training course at Quantico, VA.

2. Mrs. Demetracopoulos:

-**Stated that she attended the most recent Hot Summer Night's Concert. She added that these** types of activities are great opportunities for the talented young people in the community.

3. Mr. Kareckas:

-Stated that he was encouraged by the library construction bids. He added that it would be nice to have a cornerstone ceremony.

-Congratulated Lt. Burbank on his completing the FBI training course. It is a great tribute to him, the PD and the Town.

4. Mr. Webster:

-Stated that he has confidence that the Manager will be able to make enough cuts to the 2012 budget to keep it below the LD1 limit.

-Stated that he will be on vacation and will not be available for the August 9th meeting.

5. Mr. Burke:

-Read a quote (received from the Manager) written by Calvin Coolidge regarding persistence.

Adjournment

On a motion by Mrs. Demetracopoulos, seconded by Mr. Webster, it was unanimously voted to adjourn the meeting at 7:47pm.

Attested:

Barbara Bennett, CCM

**South Berwick Town Council
August 2, 2011**

Chairman David Burke called the meeting to order at 8:17pm. Councilors present included Gerald W. MacPherson, Sr., Jean Demetracopoulos, David H. Webster, and John C. Kareckas. Town Manager Perry Ellsworth was also in attendance.

New Business

1. The Council did not discuss or take action on this item as posted in the agenda.

Adjournment

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8:17pm.

Attested:

Barbara Bennett, CCM

Draft

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00028527	031584 CONTRIBUTIONS	08/09/2011	50.00
00028794	230700 TOWN OF WELLS	08/09/2011	65.00
00028795	132500 SECRETARY OF STATE M/V	08/09/2011	12,154.17
00028796	230700 TOWN OF WELLS	08/09/2011	40.00
00028797	189999 REFUNDS	08/09/2011	3.00
00028798	189999 REFUNDS	08/09/2011	3.00
00028799	133050 TREAS, STATE OF MAINE/IV-D	08/09/2011	48.82
00028800	189999 REFUNDS	08/09/2011	140.00
00028801	010336 AGGREGATE RECYCLING CORP	08/09/2011	2,048.16
00028802	011250 TREASURER, STATE OF MAINE	08/09/2011	21.00
00028803	011300 APPLE BOOKS	08/09/2011	26.99
00028804	020225 BAKER & TAYLOR	08/09/2011	30.62
00028805	021300 BERNSTEIN SHUR	08/09/2011	214.00
00028806	021510 TOWN OF BERWICK	08/09/2011	9,895.61
00028807	022240 GARY BOUCHER	08/09/2011	25.00
00028808	022300 BOWS AND BALLOONS BY BRINA	08/09/2011	98.00
00028809	022503 SHARON BRASSARD	08/09/2011	24.92
00028811	030510 CENTRAL MAINE POWER	08/09/2011	1,407.96
00028812	030725 CITIZENS BANK (CHG)	08/09/2011	841.28
00028813	193300 CITIZENS BANK	08/09/2011	10.00
00028814	030920 CLEAN-O-RAMA	08/09/2011	233.63
00028815	031096 COCHECO VALLEY HUMANE SOCIETY	08/09/2011	1,200.00
00028816	031355 TERRIE COLLINS	08/09/2011	100.00
00028817	031425 COLONIAL LIFE & ACCIDENT INS.	08/09/2011	1,608.62
00028818	031430 COMCAST	08/09/2011	99.95
00028819	031579 CONSTELLATION NEW ENERGY	08/09/2011	2,038.32
00028820	032030 CUMMINS NORTHEAST INC	08/09/2011	551.00
00028821	041317 FRED DUNN	08/09/2011	40.00
00028822	050214 KEVIN EASTMAN	08/09/2011	2,605.00
00028823	050815 EMPLOYEE HEALTH & BENEFITS	08/09/2011	616.30
00028824	061203 FOGARTY'S RESTAURANT	08/09/2011	14.97
00028825	061500 FOSTER'S DAILY DEMOCRAT	08/09/2011	144.90
00028826	061675 FUNTOWN/SPLASHTOWN	08/09/2011	1,328.00
00028827	070565 GORHAM LEASING GROUP	08/09/2011	96.56
00028828	071180 GROUP DYNAMIC INC	08/09/2011	165.00
00028829	071307 GULF/FLEET FUNDING	08/09/2011	48.34
00028830	191330 HANNAFORD'S	08/09/2011	697.22
00028831	080248 HANSCOM'S TRUCK STOP INC	08/09/2011	2,880.75
00028832	080440 HARTIGAN COMPANY	08/09/2011	6,194.60
00028833	073200 HBRA OF NEW HAMPSHIRE	08/09/2011	109.00
00028834	080775 J R HILTON INC	08/09/2011	13,774.00
00028835	080998 HOME DEPOT	08/09/2011	18.30
00028836	081398 PAUL HUSSEY CORP INC	08/09/2011	85.00
00028837	090120 INLAND FISHERIES & WILDLIFE	08/09/2011	374.00
00028838	090460 INTERSTATE BATTERY/MAINE	08/09/2011	197.90
00028839	100200 JEWETT/EASTMAN MEMORIAL COM	08/09/2011	263.00
00028840	100820 FRED KEEN	08/09/2011	75.00
00028841	121300 LINCOLN PRESS	08/09/2011	46.20
00028842	127000 CORRINE J MAHONY	08/09/2011	1,560.00
00028843	132400 MAINE SAD #35	08/09/2011	510,943.27
00028844	133375 MAINE ENERGY RECOVERY CO.	08/09/2011	1,885.39
00028845	133195 MAINE TURNPIKE AUTHORITY	08/09/2011	2.80
00028846	133795 MICK BODYWORKS	08/09/2011	94.99
00028847	134200 MAINE MUNICIPAL ASSO (INS)	08/09/2011	1,936.75
00028848	134300 MAINE MUNICIPAL EMPLOYEES	08/09/2011	3,810.82
00028849	134400 MAINE MUNICIPAL ASSOCIATION	08/09/2011	40.00

Check Number	Account	Date Paid	Amount
00028850	134665 MONTROSE-SANFORD HYDRAULICS	08/09/2011	56.18
00028851	135970 MYRON CORP	08/09/2011	333.51
00028852	140090 N.A.D.A. APPRAISAL GUIDES	08/09/2011	98.00
00028853	140105 NAPA OF SOMERSWORTH	08/09/2011	105.78
00028854	141080 NEXTEL	08/09/2011	205.30
00028855	141300 NO.BERWICK LUMBER & HARDWARE	08/09/2011	15.93
00028856	141370 NORTHEAST HYDRAULICS INC	08/09/2011	145.44
00028857	159995 HL PATTEN CONSTRUCTION	08/09/2011	430.50
00028858	200700 PIKE INDUSTRIES INC	08/09/2011	250.63
00028859	180185 RCP LLC	08/09/2011	387.50
00028860	181050 DENNIS ROBILLARD	08/09/2011	215.00
00028861	181110 ROCHE LOCKSMITH INC	08/09/2011	135.00
00028862	181420 ROOTER MAN	08/09/2011	160.00
00028863	190094 SANEL AUTO PARTS CO	08/09/2011	1,758.18
00028864	190540 SEACOAST FIRST AID & SAFETY	08/09/2011	26.95
00028865	132500 SECRETARY OF STATE M/V	08/09/2011	19,185.35
00028866	191950 SO BERWICK HOUSE OF PIZZA	08/09/2011	85.00
00028867	192900 SO BERWICK WATER DISTRICT	08/09/2011	1,874.89
00028868	193410 SO MAINE REGIONAL PLANNING CM	08/09/2011	2,242.66
00028869	193619 SPRING HILL	08/09/2011	540.00
00028870	193622 SPRINGER ELECTRICAL SERV INC	08/09/2011	749.56
00028871	193640 STAPLES	08/09/2011	624.36
00028872	200545 TERMINIX INTERNATIONAL	08/09/2011	68.00
00028873	133105 TREASURER OF STATE/C.WPNS	08/09/2011	30.00
00028874	133113 TREASURER OF STATE/ATV	08/09/2011	787.00
00028875	133115 TREASURER,STATE OF ME/LIC	08/09/2011	30.00
00028876	201236 TRI-CITY MASONRY	08/09/2011	210.00
00028877	201300 TWO-WAY COMMUNICATION SERV INC	08/09/2011	247.42
00028878	210380 UNITED PARCEL SERVICE	08/09/2011	18.81
00028879	230300 WALMART COMMUNITY BRC	08/09/2011	822.90
00028880	230850 WHEELS & WAVES	08/09/2011	360.00
00028881	230950 BRUCE WHITNEY	08/09/2011	750.00
00028882	231320 WINDWARD PETROLEUM	08/09/2011	868.89
00028883	240900 YORK COUNTY REGISTRY OF DEEDS	08/09/2011	39.00
Total Not Prepaid			604,380.86
Total Prepaid			12,503.99
Grand Total			616,884.85



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org



TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Mark Green, MMA President
Town Manager, Town of Sanford

DATE: July 5, 2011

SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

Deadline: Friday, August 12, 2011 by 12:00 noon

Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee is appointed to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President. The MMA Nominating Committee completed its task to put forth a Proposed Slate of Nominees for 2012. This information was mailed to member municipalities along with information on the petition process as established in the MMA Bylaws. ***It is now time for each member municipality to cast its vote.***

Enclosed you will find the MMA Voting Ballot which includes the Slate of Nominees to serve on the MMA Executive Committee as proposed by the MMA Nominating Committee. There were no municipal officials nominated by petition. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference.

The MMA Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association as noted above. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted and the election results confirmed under my direction as President of the Association.

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at www.memun.org on Friday, August 12, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held ***Thursday, October 6, at 8:00 a.m., at the Augusta Civic Center.*** Newly elected Executive Committee members will be introduced at the MMA Annual Business Meeting and formally take office on January 1, 2012.

If you have any questions on this information or the election process, please contact Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at tchavarie@memun.org. Thank you.



MAINE MUNICIPAL ASSOCIATION
VOTING BALLOT

Election of Vice President and Executive Committee Members
Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 12, 2011



VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

Stephan Bunker, Chair of Selectmen, Town of Farmington

DIRECTORS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

Errol "Abe" Additon, Selectman, Town of Leeds

Beurmond Banville, Selectman, Town of Saint Agatha

Laurie Smith, Town Manager, Town of Wiscasset

PLEASE NOTE: The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Print Name: _____

Signature: _____

Position: _____

OR Signed by a Majority of Municipal Officers

Current # of Municipal Officers: _____

Print Names:

Signatures:

MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358 or 626-5947

**MAINE MUNICIPAL ASSOCIATION
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF
PROPOSED SLATE OF NOMINEES FOR 2012**

MMA VICE PRESIDENT (1-Year Term)

STEPHAN BUNKER

- 40 +years in public sector @ federal/military, state, county and municipal levels
- Selectman, Town of Farmington, chairman (20 + yrs, last 4 1/2 years)
- Maine Municipal Association Executive Committee, Member (2007 – present)
- Maine Municipal Association Strategic & Finance Committee (2008, present)
- Maine Municipal Association Property & Casualty Pool Board of Directors, Member (2007 – present)
- Maine Municipal Association Workers Compensation Fund Board of Trustees, Member (2007 – present)
- Member, Franklin County Elected Officials Association
- Current Member, Franklin County Budget Committee (8 + years)
- Past Member, Citizen’s Budget Committee, (10 yrs) 5 as Chairman
- Past Member, SAD#9/SAD#58 School Consolidation Planning Committee
- Current member, Farmington Fire & Rescue Department (30 + years)
- Past President, Franklin County Firefighters Association
- Governor Appointee, Maine Fire Protection Services Commission (6 + yrs)
- Adjunct Instructor – Maine Fire Training & Education, SMCC (25 yrs)
- 2009 “9-1-1 Trainer of the Year” awarded by Association of Public Safety Communications Officials, International
- Active duty, US Army Military Police Specialist, K-9s (3 yrs)
- US Coast Guard Reserves, Environmental protection & maritime casualty investigations, retired as Lt. Commander (23 yrs)
- Former Emergency Medical Technician-Basic (10 years)
- Police Officer, Town of Farmington PD (1972-74) full time
- Staff, Maine Criminal Justice Academy – Waterville (4 years)
- Juvenile Crisis Counselor, SAD # 9 Farmington (2 years)
- Emergency Dispatch/Corrections Supervisor, Franklin County (3 years)
- Executive Director, Maine Sheriffs Association, (3 years)
- Masters in Adult Education, University of Maine, Orono (1977)
- Bachelors of Science in Criminal Justice, minor in Sociology, University of Maine, Orono (1974)
- Associate Degree, Law Enforcement Technology, Southern Maine Technical College (1972)
- Maine Criminal Justice Academy Certifications – Corrections Officer, Reserve Officer, Instructor
- Maine Fire Service Training & Education Certifications – Fire Fighter Levels I & II, Instructor, Fire Officer
- William Twarog Memorial- State Government Manager of the Year (1994)

MMA EXECUTIVE COMMITTEE MEMBERS (Three 3-Year Terms)

ERROL “ABE” ADDITON

- Selectman, Town of Leeds (1998 - present)
- Maine Municipal Association Executive Committee, Member (2007 – present)
- Maine Municipal Association Strategic & Finance Committee (2008, present)
- Maine Municipal Association Property & Casualty Pool Board of Directors, Member (2007 – present)
- Maine Municipal Association Workers Compensation Fund Board of Trustees, Member (2007 – present)
- Maine Municipal Association Legislative Policy Committee, Member (2006 – present)
- MMA Legislative Policy Committee -- Rural-Urban Subcommittee (2006)

- **ERROL “ABE” ADDITON (continued)**
- Director, School Administrative District #52 (7 years)
- School Board, Member
- School Budget, Member
- Moderator, Town Meeting, Town of Leeds
- University of Maine (2 years)
- Missouri Auction School, graduate
- Lifetime Dairy Farmer; Maine Dairyman of the Year Recipient
- Auctioneer (28 years)
- Project Graduation Leavitt Area High School
- Maine Harness Racing Commission, chairman (5 years)

BEURMOND BANVILLE

- Selectman, St. Agatha (2008 to present)
- Member and Secretary of the Northern Aroostook Regional Airport (2008-2009)
- Member Northern Aroostook Regional Incinerator Facility (2008 to present)
- Maine Municipal Association Nominating Committee (2010)
- Maine Municipal Association Legislative Policy Committee (2008-2010)
- President and member of the University of Maine at Fort Kent Alumni Association (2008 to present)
- Member University of Maine at Fort Kent Foundation (2008 to present)
- Biathlon World Cup, Fort Kent, Media Chair (2010-2011)
- Can-Am Crown Sled Dog Races, board of directors and Media Chair (2008 to present)
- University of Maine at Fort Kent, recruitment committee (2010-2011)
- Frenchville Planning Board, member and chairman (1973-1976)
- Frenchville Recreation Committee, member and chairman (1973-1976)
- St. Luce Parish Council, Frenchville, chairman (1984-1992)
- St. Luce 150th Anniversary, chairman (1992-1993)
- Frenchville Citizen of the Year (1994)
- Boy Scouts of America, adult leader (1984 to present)
- Knights of Columbus, member since (1970) Officer, locally and at state level, throughout the period.
- Graduate Community High School at Fort Kent (1972)
- Bachelors Degree, University of Maine at Fort Kent (1970)
- Journalist, Bangor Daily News (1972-2007) covered all aspects of life in northern Maine. Bureau Chief of BDN's St. John Valley Bureau (1972-2007)

LAURIE SMITH

- Town Manager, Town of Wiscasset (2010 – present)
- Assistant Manager/Community Relations/Finance Director, City of Auburn (2005– 2010)
- Interim City Manager, City of Auburn (2007–2008)
- Acting Finance Director, City of Auburn (2004 – 2005)
- Town Manager, Town of Boothbay Harbor (1994-1999)
- Town Manager, Town of Oxford (1991-1994)
- Town Manager, Town of Boothbay (1988-1989)
- Maine Town & City Management Association, Member (199-present); Board member (2000-2005); President (2003-2004)
- Paralegal, various law firms in Portland, Maine (1986 – 1988)
- University of Maine, Orono, Public Administration, B.A. (1986)
- Continuing education and professional development through University of Maine, Maine Municipal Association, Maine Town & City Management Association, Maine Local Roads Center and International City Management Association (1988 – 2008)