

Town of Turner

Zoning Ordinance



Amended April 4, 2009

Town of Turner

Zoning Ordinance

Adopted June 12, 1993
Effective date: July 12, 1993
Amended: June 11, 1994
Amended: April 8, 1995
Amended: April 13, 1996
Amended: July 21, 1997
Amended: April 18, 1998
Amended: April 10, 1999
Amended: April 8, 2000
Amended: April 7, 2001
Amended: April 6, 2002
Amended: April 5, 2003
Amended: April 3, 2004
Amended: April 8, 2006
Amended: April 5, 2008
Amended: April 4, 2009

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**ARTICLE I
TOWN OF TURNER ZONING ORDINANCE**

SECTION 1. General

A. Title

This Ordinance shall be known and cited as the Zoning Ordinance of the Town of Turner, Maine, and will be referred to as "this Ordinance."

B. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VII I-A of the Maine Constitution, the provisions of Title 30-A, M.R.S.A. Section 3001 (Home Rule), the State's Growth Management Law, Title 30-A, M.R.S.A. Section 4312 et seq, and the Mandatory Shoreland Zoning Act, Title 38 M M.R.S.A. Sections 435, et seq.

C. Purposes

The purposes of this Ordinance are:

1. To implement the provisions of the Town's comprehensive plan;
2. To promote the health, safety and general welfare of the residents of the community;
3. To encourage the most appropriate use of land throughout the community;
4. To promote traffic safety;
5. To provide safety from fire and other elements;
6. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life;
7. To conserve natural resources;
8. In shoreland areas, to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas, as defined herein; and
9. To provide effective procedures for the enforcement of this Ordinance against violators.

D. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Turner including any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high water line of a water body or within a wetland.

E. Conflicts with Other Ordinances

Except as otherwise specifically stated herein, (a) whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance, the more restrictive provision shall control, and (b) whenever a provision of this ordinance conflicts with or is inconsistent with another ordinance, regulation or statute, this Ordinance shall apply.

F. Validity and Severability

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

G. Effective Date

- 1 . The effective date of this Ordinance shall be thirty (30) days of the date of its adoption by the legislative body, i.e., July 12, 1993.

H. Amendments

- 1 . Initiation of Amendments: An amendment to this Ordinance may be initiated by:
 - a. The Planning Board, provided a majority of the Board has so voted;
 - b. Request of the municipal officers; or
 - c. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
2. The Planning Board shall conduct a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town Office at least thirteen (13) days before the hearing and published in a newspaper of general circulation in the municipality at least two (2) times with the date of the first publication at least twelve (12) days before the hearing and the date of the 2nd publication at least seven (7) days before the hearing. The Planning Board shall make a report and its recommendation on the proposed amendment within ten (10) days after the public hearing has been closed.
3. When the proposed amendment would result in a rezoning that permits industrial, commercial or retail development in a district where previously

prohibited or that prohibits all industrial, commercial or retail development in a district where previously permitted, the Town Clerk shall notify the owner(s) of each parcel in and abutting the area to be rezoned by mail at least fourteen (14) days before the hearing. Such notice shall contain a copy of a map indicating the area to be rezoned. Notice under this subsection is not required for any other type of proposed zoning amendment including overlay zoning ordinances or any type of zoning ordinances required under Title 30-A M.R.S.A. Section 4314, subsection 2 and 3.

4. In addition to the notice required in Section 3 above, the Town Clerk shall provide written notification by certified mail, return receipt requested, to land owners whose property is being considered for placement in a Resource Protection District. Such notice must be sent not later than fourteen (14) days before the Planning Board votes to establish a public hearing on the proposed rezoning to Resource Protection.
5. The Town Clerk shall forward a copy of the text of the proposed amendment to the Selectmen and Planning Board of adjacent communities of when a zoning amendment is proposed which is within 500 feet of a common town border at least thirteen (13) days in advance of the public hearing. The adjacent community may provide verbal or written testimony.
6. Adoption of Amendment: An amendment of this Ordinance may be adopted by a majority vote of a regular or special Town Meeting and unless otherwise specified therein, shall become effective upon adoption.
7. Copies of amendments attested and signed by the Municipal Clerk that affect an area within 250 feet of the normal high water line of a great pond, river or upland edge of a wetland or 75 feet horizontal distance from a stream 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 of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within 45 days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the 45 day period shall be governed by the terms of the amendment if such amendment is approved by the Commissioner.

I. Repeal of Existing Ordinances

Adoption of this Ordinance shall repeal on the effective date of this Ordinance any and all previously enacted Site Review, Shoreland Zoning and Minimum Lot Size Ordinances. This shall not prevent enforcement of repealed ordinances with respect to the time periods in which they were effective.

SECTION 2. Nonconformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities except that nonconforming lots, structures and uses that legally existed before the effective date of this Ordinance shall be allowed to continue subject to the requirements set forth in this section.

B. General

1. **Transfer of Ownership:** Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot subject to the provisions of this Ordinance.
2. **Repair and Maintenance:** This Ordinance allows the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

C. Nonconforming Structures

1. **Expansions:** A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs a and b below. Should the expansion of the nonconforming structure require Site Plan Review under Section 5.13.1.c., approval shall be obtained pursuant to Section 5.

Further Limitations:

- a. Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows as long as all other applicable standards contained in this Ordinance are met.
 1. Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited even if the expansion will not increase non-conformity with the water body, tributary stream, or wetland setback requirement.
 2. Expansion of an accessory structure that is located closer to the normal high-water line or a water body, tributary stream, or upland edge of a wetland than the principal structure is

prohibited even if the expansion will not increase non-conformity with the water body, tributary stream, or wetland setback requirement.

3. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is limited to 20 feet or the height of the existing structure, whichever is greater.
4. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100 foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within that 100 foot, horizontal distance, of a great pond is 25 feet or the height of structure, that is within 100 feet whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of 3 above.

For the purposes of subparagraph a, a basement is not counted toward floor area.

- b. 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 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure 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, it shall not be considered to be an expansion of the structure.
2. Special expansion allowance. Existing principal and accessory structures that exceed the floor area or height limits set in divisions C.1.a.3 and 4 above may not be expanded except that the limits may be exceeded by not more than 500 square feet provided that all of the following requirements are met.
 - a. The principal structure is set back at least 50 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland.

- b. A well-distributed stand of trees and other natural vegetation as defined in Section 4.T.12 extends at least 50 feet, horizontal distance, in depth as measured from the normal high-water line or upland edge for the entire width of the property.

If a well-distributed stand of trees and other vegetation meeting the requirements of Section 4.T.12 is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, by the property owner, and approved by the planning board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within 50 feet, horizontal distance, of the shoreline or tributary stream.

- c. Adjacent to great ponds classified GPA and rivers flowing to great ponds classified GPA, except for the allowable footpath, there exists complete natural ground cover consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater.
- d. A written plan by the property owner, including a scaled site drawing, is approved by the planning board and is developed, implemented, and maintained to address the following mitigation measures for the property within the shoreland zone.
 1. Unstabilized areas resulting in soil erosion must be mulched, seeded, or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies, tributary streams and wetlands.
 2. Roofs and associated drainage systems, driveways, parking areas, and other nonvegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a water body, tributary stream or wetland. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a well, stone apron, or similar device.

3. **Planting requirements.** Any planting or revegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a qualified professional, be implemented at the time of construction, and be designed to meet the rating scores contained in paragraph (b) and the ground cover requirements of paragraph (c) when the vegetation matures within the 50-foot strip. At a minimum, the plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly

established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six feet tall for deciduous species. The planting plan must include a mix of at least three native tree species found growing in adjacent areas with no one species making up more than 50% of the number of saplings planted unless otherwise approved by the planning board or its designee based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

4. **Filing and reporting requirements.** Written plans required pursuant to this section must be filed with the Androscoggin County Registry of Deeds within fourteen (14) days of approval. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the Department of Environmental Protection within 14 days of the issuance of the permit.
5. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland as defined herein.
6. **Relocation:** A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the same permitting authority as that for a new structure and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. A foundation placed under a relocated structure within 100 feet horizontal distance of the normal high-water line of a Great Pond rated GPA 75 feet horizontal distance of other water bodies or 75 feet horizontal distance of the upland edge of a freshwater wetland shall not cause the height of the structure to be increased by more than three (3) additional feet (considering the slope of land).

In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and within 250 feet, horizontal distance, of the normal high water line of a great pond, river or upland edge of a wetland and 75 feet horizontal distance from a stream, the type and amount of vegetation to be removed to accomplish the relocation shall be considered.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board or its designee shall require replanting of native vegetation to compensate for the

destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

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

7. Reconstruction or Replacement:

- a. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, damaged or destroyed regardless of cause by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced in compliance with all building and safety codes provided that a permit is obtained within two (2) years of the date of said damage, destruction or removal and provided that such reconstruction or replacement is in compliance with the water body, tributary or wetland setback to the greatest practical extent as determined by the same permitting authority as that for a new structure in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

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 2.C.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to

remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 2.C.2 above.

In addition, the provisions of Article VI of the Floodplain Management Ordinance for the Town of Turner, Maine, shall be met. Any nonconforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the code enforcement officer.

- b. Any nonconforming structure which is located more than the required setback from the normal high water line of a water body, tributary stream or upland edge of a wetland and which is damaged or destroyed by fire, lightning, wind or other natural disaster may be rebuilt provided that construction is commenced within two (2) years after the destruction of the building or structure. In addition, the provisions of Article VI of the Floodplain Management Ordinance for the Town of Turner, Maine, shall be met.

D. Nonconforming Uses

1. **Expansion:** Expansion of nonconforming uses may be allowed provided the Planning Board after reviewing written application determines that no greater adverse impacts would occur as the result of the expansion as defined in section 2.D.3. and the following.
 - a. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Section 4 and 5, Site Plan Review, of this Ordinance.
 - b. The expansions of the nonconforming use will not encroach further on the required setbacks.
 - c. Notwithstanding 1.a and b. above, a residential structure located in the Commercial I and II districts may be expanded without Planning Board review provided such expansion complies with all other applicable standards of this ordinance.
 - d. An accessory structure to a non-conforming residential use may be allowed with a permit from the Code Enforcement Officer provided such accessory structure complies with all applicable standards of this ordinance.
2. **Resumption Prohibited:** A lot, building or structure in or on which a nonconforming use is abandoned for a period exceeding five years, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. **Change of Use:** An existing nonconforming use may be changed to another nonconforming use provided that (a) 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 and (b) applicable performance standards contained in Section 4 are complied with and (c) approval is obtained pursuant to Section 5. The determination of no greater adverse impact shall be made according to criteria listed below.
 - a. That the proposed use is of the same character or less noxious than the current nonconforming use.
 - b. That the proposed use will not create a traffic hazard nor increase an existing traffic hazard; and
 - c. That the amount of parking required to meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in accordance with Section 4 of this Ordinance.
 - d. That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use; and
 - e. That the rate of surface water run-off from the site will not be increased; and
 - f. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses; and
 - g. That the proposed use will not increase the adverse impact on surrounding properties.
4. **Change of Use of a Nonconforming Structure:** The use of a nonconforming structure may not be changed to another nonconforming use unless the Planning Board, after reviewing written application, determines that the new use is equally or more appropriate to the district than the existing use of the nonconforming structure and will have no greater adverse impacts than the existing use.

The determination of no greater adverse impact shall be made according to the criteria contained in Section 2.D.3 above.

The change in use shall comply with any applicable Performance Standards set forth in Section 4 and approval is obtained pursuant to Section 5 of this Ordinance.

E. Nonconforming Lots

1. **Nonconforming Lots:** A nonconforming 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 size and frontage can be met. This subsection shall not be deemed to require contiguous lots in a subdivision approved and recorded after September 22, 1971, to be combined.
2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or common ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and *State of Maine Subsurface Wastewater Disposal Rules* are complied with.

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

3. **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or common 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 principle structure, the lots shall (except as provided in paragraph 1 above) be combined to the extent necessary to meet the dimensional requirements.

F. Illegal Reduction in Dimensions

No lot shall be reduced or created in any manner that violates the requirements of this Ordinance. If land is subdivided, conveyed, divided or otherwise transferred in violation of this Ordinance, no building permit or other municipal permit shall be issued with reference to any of the land or lots so reduced or created until all such land or lots fulfill the dimensional regulations, except as allowed by waiver or density bonus granted by the Planning Board in connection with the approval of a subdivision plan, multi-family dwellings, elderly and congregate housing complexes, affordable housing incentive or open space subdivisions.

SECTION 3. District Purposes, District Uses and Space and Bulk Standards of Districts

A. General Purposes: The purposes of the districts are:

1. To implement the Town of Turner's Comprehensive Plan policies and its Future Land Use Plan;
2. To allow future growth to occur in designated portions of the community and to restrict growth in other areas;
3. To provide for separation of land uses that might otherwise be incompatible;
4. To protect the natural resources of the community from degradation; and
5. To provide for an orderly future growth pattern of the community.

B. Specific District Purpose

1. **Agricultural/Industrial District:** The purpose of the Agricultural/Industrial District is to provide locations for industrial, manufacturing, warehousing and other businesses that can coexist with egg production and processing. New residential development except employee housing will not be permitted in this area. These uses are allowable provided that safeguards are maintained to minimize degradation to the sand and gravel aquifer which underlies this area. Lot sizes should be based on area to be covered by structures, outside storage and parking. Maximum lot coverage ratios should not exceed 75% if it can be shown that ground water resources will be protected.
2. **Commercial I District.** The purpose of the Commercial I District is to provide commercial development locations adjacent to Route 4 without conflicting with its traffic carrying capacity. The district is intended to allow commercial uses while controlling highway access and encouraging quality site and structure design so as to enhance the Town's character and to avoid commercial strip development. Development in this district should have a minimum of 40,000 square feet of lot area.
3. **Commercial II District.** The purpose of the Commercial II District is to provide for commercial development locations adjacent to Route 4 that are less suitable for such development than that of the Commercial I District due to transportation and environmental factors. Development will not conflict with Route 4 traffic carrying capacity. Development standards shall control highway access, encourage quality site and structural design so as to enhance the Town's character, avoid commercial strip development and protect natural resources. Development in this district should have a minimum of 80,000 square feet of lot area.

4. **Village District.** The purpose of the Village District is to allow for traditional village development patterns and uses to continue and expand.
5. **General Residential I District.** The purpose of the General Residential I District is to provide areas that are primarily devoted to residential uses and mobile home parks. Uses other than residential should not conflict with the residential purpose of this district. Development in this district should have a minimum of 40,000 square feet of lot area.
6. **General Residential II District:** The purpose of the General Residential II District is to maintain residential development as it currently exists or is appropriate for this type of development at less density. The area should be primarily residential, except no mobile home parks shall be permitted. Other land uses appropriate and compatible with residential uses should include public and semi-public uses and commercial uses associated with residential areas. Development in this district should have a minimum of 80,000 square feet of lot area.
7. **Rural I District.** The purpose of the Rural I District is to maintain the rural character of the Town including agricultural and forest lands. Portions of these areas are served by road systems not designed for high traffic volumes. Residential development should be medium density and not conflict with rural uses including agriculture and commercial forestry. Development in this district should have a minimum of 80,000 square feet of lot area..
8. **Rural II District.** The purpose of the Rural II District is to preserve areas not well suited for development. They are not well suited for development because of natural resource values that include wildlife habitat and wetlands, physical characteristics that include steep slopes and soils not well suited to development, adjacency to large undeveloped tracts of land, lack of accessibility by public roads, areas where new public roads could result in significant public expenditures and critical lake watersheds. These factors make the Rural II areas only suitable for new development at low densities. Development in this district should have a minimum of 5 acres of lot area when suitable private road access is available. Residential subdivisions, in these areas, shall be a minimum of one dwelling per 5 acres and no new public roads shall be created. Clustering of residential development shall be required.
9. **Shoreland District.** The purpose of the Shoreland District is to provide for residential and recreational uses adjacent to the Town's, ponds, rivers and wetlands while protecting water quality, shorelands and visual quality as required by the Mandatory Shoreland Zoning Act. The Shoreland District is that area within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of a great pond or river or within two hundred fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. The Shoreland District does not include those areas depicted on the Official Zoning Map as other Districts even though they may fall within the 250-foot area.

10. **Resource Protection District.** The purpose of the Resource Protection District is to regulate development which would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas, except those areas which are currently lawfully developed.
 - a. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973.
 - b. Floodplains, except in the Village District, along all rivers, streams, brooks, ponds and floodplains along artificially formed great ponds defined by the 100-year floodplain as designated on the Federal Emergency Agency's Flood Insurance Rate Maps for the Town of Turner effective May 5, 2003 or the flood of record. In the absence of these, by soil types identified as recent floodplain soils.
 - c. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater when they occur within the limits of the shoreland area.
 - d. Areas of two or more contiguous acres supporting wetland vegetation and hydric soils which are not part of freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water when they occur within the limits of the shoreland area.
 - e. Androscoggin and Nezinscot Rivers and Gulf Island Pond Shorelines and land purchased by the Land for Maine Future Fund: These areas require regulation so that future development does not diminish the area's natural value.
 - f. Areas other than those described in a-e above that are depicted as Resource Protection on the Official Zoning Map.

C. Floating Commercial

1. **Purpose:** The purpose of the Floating Commercial District is to provide areas of sufficient size and characteristics for future commercial and industrial development.
2. This Ordinance may be amended to affix the Floating Commercial District following the procedures set forth in Section 1.H. of this Ordinance and the following:
 - a. The District may be affixed only in the Rural I District.
 - b. The minimum land area to be rezoned shall not be less than fifty (50) acres.

- c. The District shall not be affixed more than two (2) times without updating the comprehensive plan.
- d. Only those uses allowed in the Commercial I and Commercial II Districts shall be permitted.
- e. The Planning Board shall review the request for rezoning and make written findings of fact as to whether the following criteria are met.
 - 1) The applicant(s) for rezoning shall provide the Planning Board an overall development plan for the area to be rezoned; the development plan which may be developed from existing sources of maps and data at a minimum shall contain the following:
 - a.) The type and size of the proposed development activity.
 - b.) Internal Circulation and Parking Plan.
 - c.) Suitability of soils for subsurface Sewage Disposal.
 - d.) The direction of existing surface water drainage across the site.
 - e.) Location of wetlands on the site.
 - f.) Estimated daily and peak hour traffic to be generated by the development.
 - 2) Transportation systems and other public services have the capacity to serve the area. The Board shall consider the capacity and condition of roads which will provide access to the site. Access to the site shall not be in a residential street or through residential areas. The Board shall request Town Development heads to evaluate the proposal based upon current department capacities to serve the development.
 - 3) At least seventy (70) percent of the land area is suitable for proposed uses. In determining suitability, the Board shall consider soil suitability, slope of the land and the existence of wetlands regulated by this ordinance, the Maine Department of Environmental Protection, and the Army Corps of Engineers.
 - 4) The proposed rezoning will not adversely affect residential values. In determining adverse affect, the Board shall consider the location of existing or approved residential development activity and the impact of rezoning on traffic, noise and lighting on such residential areas.
 - 5) Is consistent with the Comprehensive Plan.

D. Location of Districts

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Turner, Maine," dated April 8, 2006, and on file at the Town Office, and as from time to time amended in accordance herein. The Official Map shall be signed by the Town Clerk and Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

E. Rules Governing District Boundaries

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

1. Boundaries indicated as approximately following the center lines of streets, highways, rivers or streams shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. Boundaries of the Shoreland Area (those areas regulated by Title 38 M.R.S.A. Section 435) on the Official Zoning Map are merely illustrative of their general location. The exact location and boundaries of the area shall be determined by on-site inspection and measurement from the normal high-water line or the upland edge of a wetlands
5. Boundaries indicated as approximately following natural features such as floodplains, wetlands, aquifers or watershed boundaries shall be construed to follow said natural feature. The location of said natural feature shall be determined by reference to:
 - a) The flood insurance rate map and floodway map;
 - b) The inventory of significant wetlands;
 - c) The state studies of significant sand and gravel aquifers, and
 - d) Independent site studies and evaluations.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

F. Division of Lots of District Boundaries

Where zoning district boundary lines divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the use regulations applicable to the one portion of the lot may be extended into the other portion of the lot by not more than 50 feet provided that the other portion is not within the Shoreland or Resource Protection Districts.

G. Division of Lots by Municipal Boundaries

When a lot is situated in part in the Town of Turner and in part in an adjacent municipality, the provisions, regulations and restrictions of this ordinance shall be applied to that portion of such lot as lies in the Town of Turner.

H. District Uses

The land uses permitted in each district, in conformance with the Performance Standards (Section 4) and Site Plan Review (Section 5) of this Ordinance, are shown in the following tables.

KEY: Yes - permitted (no local permit necessary) (May require building permit). Must comply with standards contained in Section 4 of this Ordinance.)
No - prohibited
CEO - permit from code enforcement officer required
PB - Requires Planning Board Review
LPI - Local Plumbing Inspection

- (1) Multi-family dwellings/apartments may be allowed as an accessory use in commercial structures.
- (2) Requires Site Plan Review.
- (3) Requires Subdivision Review.
- (4) Must comply with performance standards on lots of five acres or less.
- (5) Expansion of existing cemeteries only.
- (6) In the Resource Protection District, not permitted in areas so designated because of wildlife value.
- (7) Mobile home parks may be allowed in the Rural I and Agricultural/Industrial Districts for the purpose of providing bonafide farm labor housing. The mobile home park must be located on Farm owned property, be managed by the Farm owner and shall be occupied by only employees who work on the farm and their families. Within six (6) months of abandonment of the production agriculture, the mobile home park shall be removed. Such mobile home parks shall comply with the Town of Turner Subdivision Ordinance.
- (8) In existing structures only.
- (9) If in compliance with Section 4.K.1.a.-d., no permit required.
- (10) Only allowed after Commercial/Floating District is affixed and Site Plan Review.

- (11) In Resource Protection District, permitted within 75 feet of the normal high water line of great ponds in accordance with Section 4.T.11.a.1
- (12) Except to provide access to permitted uses within the District, or where no reasonable alternative route or location is available outside the Resource Protection District, in which case a permit is required from the Planning Board.
- (13) Except when area is zoned for Resource Protection due to floodplain criteria in which case a permit is required from the Planning Board.
- (14) Requires a permit for the Code Enforcement Office if more than 100 square feet of surface area, in total, is disturbed.
- (15) A single-family dwelling or manufactured home may be allowed in the Commercial I and Commercial II Districts provided the lot upon which it is to be located is a back lot as defined herein, was legally established and recorded in the Androscoggin County Registry of Deeds prior to the effective date of this Ordinance and Sections 4.A and B are met.
- (16) Except the Code Enforcement Officer may issue a permit for Filling and Earth Moving from 10 to 1,000 cubic yards associated with development and construction requiring a CEO permit.
- (17) Accessory structures to commercial, manufacturing and industrial structures and uses of greater than 1,000 square feet in total floor area shall require a review and approval of compatibility by the Code Enforcement officer pursuant to Section 4.V.
- (18) Should the structure which is to be converted from a seasonal dwelling to a year-round dwelling be accessed by a nonconforming right-of-way, the CEO shall require the provisions of Section 4.B to be met.
- (19) Except housing units used for the purpose of providing bonafide farm labor housing are allowed with permit from the permitting authority. Single Family Dwelling – CEO, Duplex – CEO, Mult-Family Dwelling – PB with Site Plan and Subdivision Approvals and Manufactured Home – CEO.
- (20) Except Auto Sales located along Route 4 in the Village District with Planning Board Approval.
- (21) In addition to Site Plan Review, the Planning Board shall find that the standards contained in Section 4.Y are met.
- (22) Not permitted in Resource Protection District when zoned Resource Protection due to slopes or wildlife value.

- (23) Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- (24) Permit not required, but must file a written “notice of intent to construct” with CEO.
- (25) See further restrictions in Section 4.T.8.

RESIDENTIAL USES

District

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Single family dwelling	No ¹⁹	No	No	CEO	CEO	CEO	CEO	CEO	CEO	No
Duplex	No ¹⁹	No	No	CEO	CEO	CEO	CEO	CEO	CEO	No
Multi-family dwelling ¹	No ¹⁹	No	No	PB ³	PB ³	PB ³	No	No	No	No
Manufactured Home	No ¹⁹	No	No	CEO	CEO	CEO	CEO	CEO	CEO	No
Mobile Home Park	No ⁷	No	No	No	PB ³	No ⁷	No ⁷	No	No	No
Open Space Development	No	No	No	PB ³	PB ³	PB ³	PB ³	PB ³	PB ³	No
Congregate Housing	No	No	No	PB ²	PB ²	PB ²	No	No	No	No
Structures Accessory to Allowed Uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Swimming Pool	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Conversion of Seasonal to Year-round	No	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO ¹⁸	No
Home Occupation ⁹	CEO	CEO	CEO	PB	CEO	CEO	CEO	CEO	PB	PB
Private Sewage Disposal Systems for Allowed Uses	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI
Uses Similar to Uses Requiring Permit from CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Requiring Planning Board Approval	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No
Yard Sales	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

EDUCATION, INSTITUTIONAL AND PUBLIC USES

District

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residenti al I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Accessory Structures	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Church, Synagogue, Paris House	No									

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Hospice, Nursing Home	No	No	No	PB ²	PB ²	PB ²	No	No	No	No
Museum/Library	No	PB ²	PB ²	PB ²	No	PB ²	PB ^{2,8}	No	No	No
Public, Private Schools	No	No	No	PB ²	PB ²	PB ²	PB ²	No	No	No
Public Utility Facility	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	No	No
Municipal Recycling	PB ²	PB ²	PB ²	No	No	PB ²	PB ²	No	No	No
Clinics/Hospital	No	PB ²	PB ²	PB ²	No	PB ²	No	No	No	No
Private and Semi-Public Clubs	No	PB ²	PB ²	PB ²	No	PB ²	No	PB ²	No	No
Uses Similar to Uses Requiring Review Planning Board Permit	No	PB	PB	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No

OUTDOOR, RESOURCE BASE USES

District

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Accessory Structures	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Agriculture	Yes	Yes	Yes	PB ⁴	PB ⁴	Yes	Yes	Yes	Yes	Yes
Confined Feeding Operations	CEO	PB ²	PB ²	No	No	No	PB ²	PB ²	No	No
Agriculture Products Processing and Storage	CEO	PB ²	PB ²	No	No	No	PB ²	PB ²	No	No
Farm Stands	Yes	PB ²	PB ²	PB ²	PB ²	Yes	Yes	Yes	PB ²	No
Forest Management activities except for timber harvesting & land management roads	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Land Management Roads	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB
Timber Harvesting	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	CEO ¹¹
Clearing or removal of vegetation for activities other than timber harvesting	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	CEO ¹¹
Individual, Private Campsites	No	No	No	No	CEO	CEO	CEO	CEO	CEO	CEO
Piers, docks, wharfs, bridges & other structures & uses extending over or below the normal high- water line or within a wetland A. Temporary B. Permanent	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB	CEO ² PB	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB
Private Common Docking Facility	No	No	No	No	No	No	No	No	No	No

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Public Docking Facility	No	No	No	PB ²	No	No	No	No	PB ²	PB ^{2/22}
Road and Driveway Construction	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	PB	No ¹²
Parking Facilities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	No ¹³
Cemetery	No	No	No	PB ²	PB ²	PB ²	PB ^{2,5}	No	PB ^{2,5}	No
Mineral Exploration	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	CEO ¹⁴	CEO ¹⁴
Mineral Extraction	PB ²	PB ²	PB ²	No	PB ²	PB ²	PB ²	PB ²	No	PB ²
Gravel Pits/Quarries	PB ²	PB ²	PB ²	No	No	PB ²	PB ²	PB ²	PB ²	PB ²
Golf Course	No	PB ²	PB ²	No	PB ²	PB ²	PB ²	No	PB ²	PB ¹³
Parks and Recreation	PB ²	PB ²	PB	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²
Filling and Earth Moving <10 cubic yards	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	CEO
Filling and Earth Moving 10-1,000 cubic yards	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB ¹⁸	PB
Filling and Earth Moving >1,000 cubic yards	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	PB	PB
Sludge Spreading	Yes	PB ²	PB ²	No	No	No	PB ²	PB ²	No	PB ²
Septage Disposal Site	Yes	PB ²	PB ²	No	No	No	PB ²	PB ²	No	No
Uses Similar to Allowed Uses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Uses Similar to Use Required Permit from CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Required Planning Board Permit	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No
Breeder & Brooder Barns	Yes	Yes	Yes	No	No	No	PB ²	PB ²	No	No

COMMERCIAL USES

District

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Accessory Structures ¹⁷	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Amusement Facility (indoor)	PB ²	PB ²	PB ²	PB ²	No	No	No	No	No	No
Commercial Recreation	No	PB ²	PB ²	No	No	PB ²	PB ²	PB ²	No	No
Rental Cabins	No	No	No	No	No	No	PB ²	PB ²	PB ²	No
Automobile Recycling	No	PB ²	No	No	No	No	PB ²	No	No	No
Automobile Graveyard	No	No	No	No	No	No	No	No	No	No
Junkyard	No	No	No	No	No	No	No	No	No	No
Auto Body Shop	PB ²	PB ²	PB ²	No	No	No	No	No	No	No
Auto Repair	PB ²	PB ²	PB ²	PB ²	No	No	No	No	No	No
Auto Sales	PB ²	PB ²	PB ²	No ²⁰	No	No	No	No	No	No
Auto Car Wash	PB ²	PB ²	PB ²	PB ²	No	No	No	No	No	No
Bed & Breakfast	No	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	No
Building Materials - Retail Sales	No	PB ²	PB ²	PB ²	No	No	PB ²	PB ²	No	No
Commercial School	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
Firewood Processing	Yes	PB ²	PB ²	No	No	PB ²	PB ²	Yes	No	No
Gasoline Service Station	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
Hotel/Motel	No	PB ²	No	PB ²	No	No	No	No	PB ²	No
Indoor Theater	No	PB ²	No	PB ²	No	No	No	No	No	No
Kennel, Stable, Veterinary Hospital	PB ²	PB ²	PB ²	No	No	PB ²	PB ²	No	No	No

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Neighborhood Convenience Store	No	PB ²	PB ²	PB ²	PB ²	PB ²	No	No	No	No
Offices: Business, Professional, Medical	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
Publishing, Printing	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
Commercial Communication Tower	PB ²	PB ²	PB ²	PB ²	No	No	PB ²	PB ²	No	No
Restaurant	No	PB ²	PB ²	PB ²	No	PB ²	PB ²	No	PB ²	No
Retail Business	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
Service Business	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
Shopping Center	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
Wholesale Business	PB ²	PB ²	PB ²	No	No	No	PB ²	PB ²	No	No
Campground	No	No	No	No	No	No	PB ²	PB ²	PB ²	No
Funeral Home	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
Agricultural Related Services/Sales	PB ²	PB ²	PB ²	PB ²	No	PB ²	PB ²	No	No	No
Auction Barn/Antique Sales	No	PB ²	PB ²	PB ²	No	PB ²	PB ^{2,8}	No	No	No
Cluster Commercial Development	PB ³	PB ³	PB ³	PB ³	No	No	No	No	No	No
Farm Enterprise	PB ²¹	No	No	No	No	No	PB ²¹	PB ²¹	No	No
Signs	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Requiring Planning Board Permit	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No

INDUSTRIAL USES

District

Use	Agricultural/ Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Accessory Structure ¹⁷	YES	YES	YES	YES	YES	YES	YES	YES	No	No
Bulk Oil, Gas Terminal	PB ²	PB ²	PB ²	No	No	No	No	No	No	No
Demolition, Waste Disposal	PB	No	No	No	No	No	No	No	No	No
Heavy Manufacturing	PB ²	PB ²	PB ²	No	No	No	No	No	No	No
Light Manufacturing	PB ²	PB ²	PB ²	PB ²	No	No	PB	No	No	No
Commercial Recycling Operations	PB ²	PB ²	PB ²	No	No	No	No	No	No	No
Sawmill	PB ²	PB ²	PB ²	No	No	No	PB ²	Yes	No	No
Trucking, Distribution Terminal	PB ²	PB ²	PB ²	No	No	No	PB ²	No	No	No
Warehousing and Storage	PB ²	PB ²	PB ²	PB ^{2,3}	No	No	PB ^{2,8}	No	No	No
Airport	PB ²	No	No	No	No	No	No	No	No	No
Abattoirs	PB ²	No	No	No	No	No	PB ²	PB ²	No	No
Bulk Grain Storage	PB ²	PB ²	PB ²	No	No	No	PB ²	PB ²	No	No
Uses Similar to Uses Requiring Planning Board Permit	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No

I. Space and Bulk Standards

Lots in each District shall meet or exceed the following minimum space and bulk standards (variations in bulk and space standards may be allowed by Section 4 of this ordinance and the Town of Turner Subdivision Ordinance). After the effective date of this ordinance, no lot shall be created or reduced below the minimum standards unless allowed by other provisions of this ordinance.

1. Land below the normal high-water line of a water body and land beneath streets serving more than two (2) lots shall not be included toward calculating minimum lot area for single lots.
2. Lots located on opposite sides of 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.
3. The minimum width of any portion of any lot within 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.
4. The Planning Board may reduce the side yard and rear yard setbacks for commercial, industrial and institutional uses. In no case shall the side yard and rear yard setbacks be reduced by greater than 75 percent, without written agreement between abutting property owners. With written agreement, recorded in the county registry of deeds, the Planning Board may reduce the side and rear yard setbacks to zero. The Planning Board shall consider the location of the lot, existing or proposed activities on adjacent lots and the impacts of the reduced setbacks. In the decision to reduce the side yard and rear yard setbacks, the Planning Board shall consider whether the abutting property owners have consented to such setback reductions. The Board shall make a written finding of fact that the reduction in setback will not affect the public health, safety and welfare or nullify the intent and purpose of this Ordinance.
5. **Cul-de-sac Frontage:** New building lots located at the cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.
6. **Multiple Structures:** If more than one principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front, side and rear setback and road frontage requirements.

Each structure shall be so situated and constructed to be capable of being sold or transferred separately with a conforming lot except as may be

allowed in Section 4. In the Commercial I, Commercial, II, Village and Agricultural/Industrial Districts each principal structure does not need be so situated and constructed to be capable of being sold or transferred separately with a conforming lot. Provided that the required lot size, and frontages for each principal structure, required setbacks, maximum building coverage, maximum impervious surface ratio and minimum pervious ratio as set forth in Section 3.I Bulk and Space Standards are met.

7. **Parking Areas:** Parking areas shall not be located within any required front setback area but may be located within five (5) feet of the side and rear lot lines or within zero feet with abutting property owner agreements with approvals from the Planning Board as noted in I.4. above.
8. **Setback Measurements:** All setbacks shall be measured from the property line to the nearest part of the structure except as may be provided for in other provisions of this Ordinance.
9. **Garages, Accessory Structures:** No garage or other accessory building shall be located in the required setbacks except as permitted below. When located to the rear or side of the principal building, accessory buildings no larger than 150 sq.ft. in floor area may be located within the required side or rear setbacks provided that no such structure shall be located less than 6 feet from a side or rear lot line.
10. **Corner Lots:** The front setback and lot frontage requirement shall be observed along all roads abutting the lot. For the purpose of this paragraph, property lines intersecting the road(s) shall be considered sidelines.
11. **Corner Lot Obstructions:** All corner lots shall be kept free from visual obstruction for a distance of a radius of 25 feet measured from the street lines.
12. Height Limits of 45 feet may be exceeded for structures not intended for human habitation upon review and approval of the Turner Fire Chief and Planning Board as required in Section 5. In no case shall egress window sill height exceed 30 feet from the ground.
13. Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage as required in the District.
14. Lots for duplexes shall require a minimum of 150 percent of the lot size and road frontage requirements for a single-family home in the district except in the Shoreland Area where lot size and shore frontage shall be equal to or greater than that for two single-family dwellings.
15. **Zone Line Setback:** All development proposed on lots within the Agricultural/Industrial District, Commercial I District or Commercial II District

which abut a zone line for the Village District, General Residential I District, General Residential II District, Rural District, Shoreland District or Resource Protection District shall maintain a 50 foot yard from the zone boundary line. This yard requirement may be

SPACE AND BULK STANDARDS

District	Minimum Lot Size/ Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Front Setback/ Yard ⁵	Shoreland Area Minimum Setback/Normal High Water Line/Upland Edge/Wetland	Minimum Side Setback/ Yard	Minimum Rear Setback/ Yard	Maximum Building Coverage Ratio	Maximum Impervious Surface Ratio	Minimum Pervious Ratio	Maximum Structure Height
Agricultural/Industrial	80,000 sq. ft.	250 ft.	250 ft.	50 ft. ² / 15 ft.	100 ft./pond 75 ft./other ⁴	15 ft./5 ft	10 ft./5 ft.	0.60	0.75	0.25	100 ft. ⁶
Commercial I	40,000 sq. ft.	200 ft.	200 ft.	50 ft. ² / 15 ft.	100 ft./pond 75 ft./other ⁴	15 ft./5 ft.	10 ft./5 ft.	0.50	0.75	0.25	45 ft. ⁶
Commercial II	80,000 sq. ft.	250 ft.	250 ft.	50 ft. ² / 15 ft.	100 ft./pond 75 ft./other ⁴	50 ft./15 ft.	25 ft./5 ft.	0.40	0.60	0.40	45 ft. ⁶
Village ⁸	20,000 sq. ft. ¹	100 ft.	100 ft.	20 ft. ² / 10 ft.	25 ft.	10 ft./5 ft.	10 ft./ 5 ft.	0.50	0.80	0.20	45 ft. ⁶
General Residential I	40,000 sq. ft.	200 ft.	200 ft.	70 ft. ³	100 ft./pond 75 ft./other ⁴	25 ft.	25 ft.	0.20	0.40	0.50	35 ft. ⁶
General Residential II	80,000 sq. ft.	250 ft.	250 ft.	70 ft. ³	100 ft./pond 75 ft./other ⁴	25 ft.	25 ft.	0.20	0.50	0.50	35 ft. ⁶
Rural I	80,000 sq. ft.	250 ft.	250 ft.	70 ft. ³ / 25 ft. ⁹	100 ft./pond 75 ft./other ⁴	25 ft./ 10 ft. ⁹	25 ft./ 10 ft. ⁹	0.30	0.50	0.50	45 ft. ⁶
Rural II	5 acres	300 ft.	300 ft.	70 ft. ³ / 25 ft.	100 ft./pond 75 ft./other ⁴	25 ft./ 10 ft.	25 ft./ 10 ft.	0.20	0.20	0.80	45 ft. ⁶
Shoreland	80,000 sq. ft.	250 ft.	250 ft.	70 ft. ³ / 35 ft. ⁹	100 ft./pond 75 ft./other ⁴	25 ft.	25 ft.	0.20 ⁷	0.20	N.A.	35 ft. ⁶
Resource Protection	80,000 sq. ft.	250 ft.	250 ft.	70 ft. ³	100 ft./pond 75 ft./other ⁴	25 ft.	25 ft.	0.20 ⁷	0.20	N.A.	45 ft. ⁶

NOTES: ¹Lot sizes for a new development may be required to exceed 20,000 sq.ft.. depending upon soil characteristics for subsurface sewage disposal.

²Measured from the edge of the right-of-way.

³Measured from the center line of the travelway.

⁴Includes rivers, streams and upland edge of wetlands as defined.

⁵Parking lots/areas, accessory structures and storage shall not be located in the required setbacks except as provided for herein.

⁶In no case shall egress window sill height exceed thirty (30) feet from the ground.

⁷The total area of all structures, parking lots and other non-vegetated surfaces within the Shoreland and Resource Protection District shall not exceed 20 percent of the lot or a portion of the lot located in the District including land area previously developed.

⁸All lots which have frontage on Route 4 and will be accessed from Route 4 shall comply with all the Space and Bulk Standards for the Commercial I

District.

⁹Except Commercial Uses which shall maintain a yard equal to the required setback.

SECTION 4. Performance Standards

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

A. Back Lots

Back lots may be developed for uses permitted in the district if they are or can be provided with a right-of way that connects with a public street or a privately-owned street which privately-owned street meets the standards contained in Section VI.H. of the Town of Turner Street Construction Ordinance and which complies with the following provisions:

If a back lot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:

1. The right-of-way must be conveyed by deed recorded in the Androscoggin County Registry of Deeds to the owner of the back lot and be a minimum of 60 feet in width.
2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
3. Except for lots of record on the effective date of this Ordinance, the right-of-way deed must be recorded in the Androscoggin County Registry of Deeds at the time the back lot is first deeded out as a separate parcel.
4. Creation of the right-of-way to serve the back lot shall not create a non-conforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already nonconforming, with respect to road frontage, reduce its road frontage at all. Where the right-of-way is conveyed or granted by easement or irrevocable license, or some grant less than a fee interest, the land over which such right of way is placed may not be counted toward meeting minimum lot area, coverage, bulk, setback or frontage requirements for the front lot.
5. The right-of-way may serve only one principal use or structure unless the following provisions are met:
 - a. The right-of-way may serve two single-family dwellings if a driveway meeting the standards contained in the Town of Turner Street Construction Ordinance is built.
 - b. The right-of-way may serve more than two dwellings provided the provisions of Sections VI and VI I of the Town of Turner Street Construction Ordinance are met.
6. No more than one right-of-way for back lot development may be created out of a single lot fronting on a state or town maintained road or private

road unless each subsequent right-of-way is created out of at least an additional frontage as required in Section 3. I. for that District, and the right-of-way entrances to such road are at least the required frontage plus half of the right of way width.

7. If the right-of-way is brought up to standards as set forth in the Town of Turner Road Standards Ordinance, further principal uses or structures may be constructed on a back lot with Planning Board approval provided all other space and bulk requirements are met for each such principal use or structure. For purposes of such approval, the sale or lease of additional lots or the construction of additional principal structures served by the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such division or construction were a subdivision.
8. Each single-family dwelling on a back lot shall be located within the area defined by a circle with a minimum diameter equal to the required road frontage as required in the District.

B. Lots Served by Nonconforming Rights-of-way

A lot of record which could otherwise be legally built upon but which is served by a right-of-way which does not comply with Section 4.A. of this ordinance may nevertheless be used for a single-family dwelling with Planning Board approval. This provision shall not be interpreted to allow lots created after March 9, 1991, to not have to comply with Section 4.A. of this Ordinance. The Board shall require the following before approval may be granted.

1. A copy of the deed or other legal instrument, if such exists, which grants use of the right-of-way and the description of the right-of-way;
2. A statement indicating how those that use the right-of-way to access their residences will provide for adequate maintenance provision for the right-of-way;
3. The names and addresses of all others granted use of the right-of-way if such is not a public easement;
4. Assurance in such form as the Planning Board may require that all other applicable state laws and regulations and local ordinances will be complied with; and
5. A statement in recordable form signed by the applicant that if conversion of summer camps or the erection of new dwellings accessed by the unaccepted right-of-way occurs, those persons owning property on the unaccepted right-of-way shall continue to assume responsibility for maintaining and plowing the access road and that, because the private access road is not constructed to town street standards, the travel of personal, service, emergency and maintenance vehicles over the access road may be hindered. Nothing contained within shall be construed as

requiring the Town to provide additional services to properties on unaccepted rights-of-way not already receiving those services or to accept such rights-of-way as public streets.

C. Apartment Conversions

1. **Purpose.** The purpose of these standards is to provide less expensive rental units; make housing units available to lower income households who might otherwise have difficulty finding housing in Turner and to protect property values and traditional residential characteristics.
2. **General Requirements.** The conversion of single family dwellings, existing on the effective date of this ordinance located on lots which otherwise would not meet the dimensional requirements for multi-family housing may be converted to multi-family with a permit issued by the Code Enforcement Officer provided that the following are met:
 - a. Such conversion shall not create more than four dwelling units in any structure including the original dwelling unit. If the construction of the structure began on or after September 23, 1988, and if three or more dwelling units are created in a five-year period, subdivision approval is required from the Planning Board as required by Title 30-A M.R.S.A. Section 4401 et seq.
 - b. The additional dwelling units shall be complete, separate house-keeping units that are isolated from the original unit.
 - c. The additional dwelling units shall be designed so that the appearance of the structure remains that of a single-family dwelling, with the exception of emergency egress, if so required.
 - d. The design and size of the additional dwelling units conform to all applicable standards in the Town of Turner Building Code and all other applicable codes.
 - e. Adequate off-street parking shall be provided which does not encroach upon required setbacks.
 - f. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

D. Rural II Density

Lot size within the Rural II District requires a minimum area of five (5) acres and 300 feet of frontage. With CEO approval, individual lot sizes in this district can be reduced to a minimum area of 80,000 square feet with 200 feet of frontage provided all of the following criteria are met:

1. The overall allowable density of the individual lot or lots created must meet the minimum lot area of five (5) acres per dwelling unit.

2. To meet allowable density, the difference between the size of lot sold and the required density must be preserved or set aside by easement or deeded conservation area with restrictive covenants which prohibit building construction or uses other than recreational or conservation purposes.
3. Title to the easement or deeded conservation area shall be transferred with the lot sold and shall also be conveyed to an independent conservation group, land trust or the Town of Turner.
4. The easement or deeded conservation area shall not include land area zoned as Resource Protection, Land subject to existing easement rights or rights of way.
5. The easement or deeded conservation area shall be established, located or set aside in an area that will promote conservation goals, wildlife habitat preservation, recreational opportunities, and can be expanded or is adjacent to existing conservation areas.

DD. Planned Unit Development Standards

1. Purposes

This Section provides for developments that contain a mixture of land uses including, but not limited to, residential, commercial, recreational, public and open space that are preplanned and developed under a unified approach. It allows innovative approaches to mixed use developments and authorizes the Board to reduce certain requirements of this Ordinance provided that the following are guidelines are achieved:

- a. Will be in accordance with the Comprehensive Plan;
- b. Will be reasonably self-sufficient in the provision of necessary services, such as sewerage, water supply, off-street parking, recreational amenities, and long-term management of common facilities;
- c. Will integrate a variety of residential, commercial, and/or recreational uses;
- d. Will provide for efficient use of the land, minimizing the required networks of streets and utilities; and
- e. Will avoid the disadvantages of strip development by limiting vehicular access points to the Development.

2. Permitted Districts

Plan Unit Developments are permitted in the Commercial I, Commercial II, Village and Agricultural/Industrial Districts

3. Procedure

- a. Proposed planned unit developments shall be reviewed under the Town of Turner Subdivision Ordinance and Section 5, Site Plan Review when the applicant proposes to construct and/or develop non residential uses. The tract or parcel of land proposed for planned unit development must be in single ownership or the subject of an application filed jointly by the owners of all the property included. The applicant must demonstrate right, title, or interest in the land that is the subject of the application. The planned unit development review procedure shall consist of the following steps:
 - i. a preapplication conference;
 - ii. preliminary development plan;
 - iii. final development plan and subdivision and site plan review approval as applicable.
- b. The preapplication conference shall serve the purpose of informally acquainting the Board with the overall scope and intentions of the proposed planned unit development and of acquainting the developer with the requirements of this Section. At the preapplication conference, the developer shall submit to the Board a sketch plan of the proposed planned unit development, which generally shows the bounds of the total development and the mix of land uses proposed and their general locations. No action shall be required on the sketch plan, which is presented for informational purposes only.
- c. The preliminary development plan shall constitute a formal submission of a subdivision application and site plan review application to the Board. In addition to the submission requirements for subdivision and site plan review applications the following items are required to be submitted as part of any preliminary development plan:
 - i. a legal description of the total planned unit development boundaries and of any divisions of the land, existing or proposed, within these boundaries.
 - ii. a statement of present and proposed ownership of all lands within the proposed planned unit development.
 - iii. a reasonably complete development schedule that indicates when the project and stages thereof will begin and be completed.
 - iv. a statement sufficient to satisfy the Board that the project can be realistically financed and completed.

- v. the subdivision and site plan shall include clear notations as to which facilities are proposed to be in public, private, or common ownership.
 - vi. the Board shall, as part of its review of the preliminary development plan, conduct a public hearing on the Planned Unit development.
- d. The final development plan shall constitute a formal submission of a final subdivision application and site plan review application to the Board, but only of such part of the Planned Unit Development that has received approval of a preliminary development plan. In addition to the submission requirements for subdivision and site plan review applications the following items are required to be submitted as part of any final development plan:
- i. drawings that include all the information required under the preliminary development plan.
 - ii. copies of restrictive covenants or deed restrictions relating to the development.
 - iii. evidence of the formation and incorporation by the developer of any owner's association that may be proposed to manage and maintain common spaces and facilities.

4. **Standards**

- a. For the purpose of establishing space and bulk standards applicable to planned unit developments, notwithstanding district regulations to the contrary, the space and bulk standards for planned unit developments shall be as follows. Dimensional reductions shall not be considered as a variance as provided for in Title 30-A MRSA Section 4353.4-C.
 - i. A Planned Unit Development shall contain at least the minimum land area for the proposed uses as required in Section 3.1, Space and Bulk Standards. The acreage shall be contiguous, unless the Board finds that noncontiguous acres are part of a common, overall scheme of development. Allowable uses shall be only those listed as permitted in the District where the Planned Unit Development will be located.
 - ii. Areas may be created for nonresidential uses shall include sufficient land area to support any proposed structures, the required off-street parking for the uses, whether or not the parking actually is located on the lots, and safe pedestrian circulation.

- iii. All buildings or structures shall be setback from the perimeter boundary lines of the planned unit development the minimum distances as required in Section 3.I.
 - iv. Principal structures shall be separated by a distance equal to at least the height of the tallest adjacent structure.
 - v. Maximum impervious surface coverage in a Planned Unit Development shall not exceed that set forth in Section 3.I.
 - vi. No lot or use shall have direct vehicular access to an existing off site public street.
 - vii. Other space and bulk dimensions for Planned Unit Developments shall be as shown and approved by the Board on the final development plan.
- b. Where possible, buildings shall be oriented with consideration scenic vistas, natural landscape features and topography.
 - c. All utilities shall be installed underground, unless specifically waived by the Planning Board.
 - d. A system of pedestrian circulation and amenities including sidewalks within and adjacent to the Planned Unit Development shall be provided.

E. Elder Cottage Housing Opportunity (ECHO) Units

1. **Purpose:** The purpose of these standards is to provide for the temporary habitation of a dwelling unit, to be occupied by an older person(s), on lots where single family dwellings exist, except in the Shoreland & Resource Protection Districts, so that adult children may care for aging parents or certain persons with a disability.
2. **General Requirements:** The construction or placement of an "ECHO" unit on a lot which a single family dwelling is located may be allowed by a permit granted by the Code Enforcement Officer regardless of lot size and frontage if the following are met.
 - a. The owner of the principal structure must reside in either the principal structure or the "ECHO" unit.
 - b. The owner of the principal structure shall be related to occupants by blood, marriage or adoption.
 - c. The occupants of the "ECHO" unit must be at least 62 years of age or be unable to live independently due to a disability.

- d. The number of occupants of the "ECHO" unit shall be limited to two persons.
- e. All zoning setbacks and lot coverage requirements contained in Section 3 of this ordinance shall be met. Wherever possible, the unit shall be placed to the side or rear of existing structures.
- f. There shall be a separation of a minimum of fifteen (15) feet between the principal dwelling and the "ECHO" unit.
- g. The maximum size of the "ECHO" unit shall be 560 square feet of living space and shall be limited in size to accommodate one (1) bedroom (i.e. Park Model Mobile Homes will be allowed).
- h. The subsurface sewage disposal system on the property shall be functioning properly and be of sufficient size to accommodate the additional flow. In addition, there shall be sufficient land area for an expansion or replacement system which is in compliance with the State of Maine Subsurface Wastewater Disposal Rules, if needed.
- i. The parking requirements of the performance standards contained herein or those of the applicable zoning district apply.
- j. Proper ingress and egress shall be provided to an ECHO unit.
- k. Prior to the issuance of a building permit for the placement or construction of an ECHO unit by the Code Enforcement Officer, the owner of the property shall sign a binding agreement limiting the approval of an ECHO unit for the purposes set forth in this subsection, and that ECHO unit must be removed or converted to a non-habitable accessory structure within ninety (90) days from the date of occupancy cessation or when no qualified person lives within. The agreement shall require the ECHO use permit to be renewed each year the ECHO unit is in use on or before April 1st. The CEO shall send notice of the renewal requirement each year by the end of January and shall notify all non-renewed permit holders to convert or remove the ECHO unit by May 30th.

F. Multi-Family Dwellings

- 1. In districts where permitted, multi-family development may be allowed by the granting of subdivision approval by the Planning Board in accordance with the Town of Turner Subdivision Ordinance, the following and other provisions of this Ordinance.
- 2. Dimensional requirements for all multi-family development shall meet or exceed the following:
 - a. Within the area regulated by Title 38 M.R.S.A. Section 435 et seq., (Mandatory Shoreland Zoning Act) lot area and shore frontage shall

be equal to that required for the equivalent number of single family dwelling units.

- b. In the Village District, the lot size shall be equal to or exceed . the requirements of the State Plumbing Code per dwelling unit.
- c. In the General Residential I and II Districts, lot size shall equal or exceed 80,000 sq.ft. for the first three units and 20,000 sq.ft. for each additional unit in excess of three per structure.
- d. Street frontage for eight units or less shall be not less than the required frontage for a single-family dwelling. Street frontage for more than eight units shall be not less than twice what is required for a single family dwelling except in the Village District where street frontage shall be a minimum of 200 feet.
- e. A density bonus of up to 10% of the total lots or units shall be allowed in multi-family developments if, in the determination of the Planning Board, sewage disposal capacity exists and the applicant agrees to market such lots or units within defined affordable guidelines. Deed restrictions or other binding provisions must be made that continue the affordability to future purchasers or renters.

3. **Water Supply**

The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants as it deems necessary.

4. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet in height.
5. A 25-foot landscaped or natural vegetative buffer shall be provided and maintained along all property boundaries.
6. Storm water and surface drainage systems shall be designed in accordance with the Town of Turner Subdivision Ordinance.

7. **Access, Circulation and Parking**

- a. The proposed development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions.

- b. The proposed development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turn around areas.

8. Recreation and Open Space

All multi-family developments of 6 dwelling units or more shall provide a developed play area no smaller than 5,000 sq.ft. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

G. Elderly and Congregate Housing Complexes

1. For each elderly housing unit contained in an elderly housing complex, there shall be provided a minimum lot area of 20,000 square feet.
2. Minimum street frontage shall equal or exceed that required for a single family dwelling in the District.
3. All the provisions contained in Section 4.F.3.-8 shall be met for elderly housing complexes.
4. A density bonus of up to 10% of the total units shall be allowed in an elderly or congregate housing complex if, in the determination of the Planning Board, sewage disposal and water capacity exist for the project.

H. Mobile Homes

1. Mobile Home Parks

For each lot in a mobile home park, there shall be provided a minimum lot area, frontage and setbacks as follows:

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

Minimum lot area:	20,000 sq.ft.
Minimum lot width:	100 ft.
- b. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services.

Minimum lot area:	12,000 sq.ft.
Minimum lot width:	75 ft.
- c. The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 sq.ft. of total park area.

- d. Minimum Setbacks
 - 1) Structures shall not be located less than 15 feet from any boundary line of an individual lot.
 - 2) Mobile homes in a mobile home park adjacent to a public road shall be set back from the road a distance equal to the set back requirements for other residential developments in that district.
 - 3) No mobile home lot may have vehicular access directly onto a State or town-maintained road.
- e. A 50-ft. wide buffer strip shall be provided along all property boundaries that:
 - 1) abut residential land which has a gross density of less than half of that proposed in the park, or
 - 2) abut residential land that is zoned at a density of less than half of that proposed in the park.

Further, no structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.
- f. No lot in a mobile home park may be sold or conveyed unless such lot sold meets the lot size requirement of the district in which it is located.

2. **Safety Standards**

The purpose of these standards is to establish a condition of safety that will allow the mobile home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury to its inhabitants or other residents of the park.

- a. These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.
 - 1) All homes with roofs added after construction will require a professional engineer to review the roof design to determine that the roof and home can withstand the rigors of State of Maine winter or wind uplifts that may occur.
 - 2) A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that

the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board, or other applicable standards here-after revised or enacted.

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

I. Open Space Subdivisions

1. Policy

It is the policy of the Town of Turner to encourage the use of open space subdivisions in order to preserve a sense of space, provide for agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Turner Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural and village landscapes of the Town.

This performance standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design, placement of residential structures and road frontage requirements and by allowing the Planning Board to expedite procedure and to waive or reduce certain otherwise applicable standards and provisions of this ordinance and the Town of Turner Subdivision Ordinance if such landowners commit to the permanent preservation of important open space resources. It shall not be construed as granting variances to relieve hardship when the Planning Board grants waivers provided for in this section. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

2. Purposes

A open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements as contained in this Ordinance, modifying the road design standards contained in the Town of Turner Street Construction Ordinance, and clustering housing and uses in those areas where they have the least impact on identified environmental, agricultural and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements that run with the land. The cluster principle can be applied to subdivisions of any size.

To qualify as an open space subdivision, a subdivision must achieve those of the following purposes that the Planning Board determines to be applicable to its specific circumstances:

- a. Long-term protection and preservation of existing natural and other resources and landscapes identified in the Town of Turner Comprehensive Plan, the Town of Turner Subdivision Ordinance and this Ordinance, including, but not limited to:
 1. State-defined critical areas and unique features and areas identified in the Comprehensive Plan;
 2. Historic land use patterns and historic structures;
 3. Points of visual access to or from water bodies, scenic vistas as identified in the Comprehensive Plan and points of access to water bodies;
 4. Agricultural land.
 - b. Maintenance or establishment of compatibility with surrounding land uses and the overall character of the Town as defined by the Comprehensive Plan;
 - c. Provision of adequate buffers for adjoining properties where needed;
 - d. Contribution to townwide open space planning by creating a system of permanently preserved open spaces both within large parcels of land and among such parcels throughout the Town and by encouraging linkages between open space areas;
 - e. Preservation of land suitable for production agriculture and forestry uses particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;
 - f. Preservation of traditional land uses;
 - g. Construction of affordable housing;
 - h. Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and
 - i. Attainment of planned variety and coordination in the location of structures, architectural styles and building forms and relationships.
3. **Grouping Contiguous Parcels**

In order to increase design flexibility, two or more contiguous parcels of land under the same or different ownership, including parcels separated by a public or private road, may be grouped together as one open space subdivision, if the Planning Board finds that such grouping and will help to achieve the purposes set forth in Section 4.1.2.a-i.

4. **Planning Board Review**

An individual may apply for approval of an open space subdivision either after pre-application review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Planning Board shall review the application in accordance with Title 30-A M.R.S.A. Section 4404 and the Town of Turner Subdivision Ordinance as modified by the provisions of this section.

a. **Pre-application Procedure**

- 1) Any applicant for an open space subdivision is encouraged but not required to submit at the pre-application stage, a complete build-out plan for the entire parcel.
- 2) After review of the pre-application, if the Planning Board determines that the proposed open space subdivision meets the purposes set forth in Section 4.1.2.a-i that are applicable to the proposed subdivision as well as other applicable provisions of this section, this Ordinance, the Subdivision Ordinance and the Comprehensive Plan, the

Board shall encourage or permit, as appropriate, the applicant to proceed with an application for an open space subdivision.

- 3) If a complete build-out plan for the parcel has been submitted, the Planning Board shall encourage, if appropriate, consideration of long-range planning to make the most effective use of the design standards and timing mechanisms available to accomplish the purposes set forth in Section 4.1.2.a-i and to maximize the economic benefits to the applicant and the Town over time.

b. **Application Procedure**

- 1) **Required Plans:** The submissions for an open space subdivision shall include all plans and materials required for a conventional subdivision under the Subdivision Ordinance and this Ordinance.

c. **General Requirements**

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance, The Town of Turner Subdivision Ordinance or Town of Turner, Maine, Street Construction Ordinance.

- 1) Use and District Requirements
 - (a) All open space subdivisions shall meet the use standards of the Districts in which they are located.
- 2) Allowable Density
 - (a) The overall density of the subdivision shall not exceed the density requirements of the Zoning District in which it is located. In the event that an open space subdivision is located in more than one Zoning District, the overall density of the subdivision shall not exceed the combination of the density requirements of the Districts in which the open space subdivision is located. In calculating overall density the land area contained in road rights-of-ways that are proposed for public acceptance shall be deducted prior to determining density. In the case where the road rights-of-ways will be less than 40 feet in width and to remain as privately owned, that land area may be counted in determining density.
 - (b) The Planning Board may grant a density bonus of two (2) lots or dwelling units for each ten (10) lots or dwelling units when it makes a written finding that the open space subdivisions satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section 4.1.2.a-i. and provides for adequate subsurface wastewater disposal.
 - (c) The Planning Board may grant an additional density bonus of one (1) lot or dwelling unit for each 10 lots or dwelling units when it makes a written finding that the open space subdivision design provides pedestrian friendly layouts through the use of sidewalks, wider paved roads or trail systems within the project or provides linkages for pedestrian or motorized vehicle movements between adjoining properties which contributes to Town wide open space planning. The Planning Board must find that the project can provide for adequate subsurface wastewater disposal and adequate supply and quality of water for both domestic and firefighting purposes of the additional density bonus is granted.
- 3) A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided, except that a lot for a dwelling unit created as part of an open space subdivision where such lot shall have within its bounds designated open space may not be further subdivided if the original approved plan shall have reserved future development of such lot, but any such further subdivision shall only be made in accordance with this performance standard.

5. **Layout and Siting Standards**

In planning the location and siting of residential structures in an open space subdivision, priority should be given to the preservation of the open space for its natural resource value with human habitation activity located and sited on the lower valued natural resource portion of a parcel taking into account the contours of the land and the reasonableness of slopes.

The building lots and/or residential structures shall be laid out and be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

- a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved;
- b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;
- c. In such manner that the boundaries between residential lots and/or structures and active agricultural or forestry land are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural or forestry uses;
- d. In locations where buildings may be oriented with respect to identified scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development, scenic vistas may be addressed by creating at least one scenic window per development with at least one turnout suitable for public use;
- e. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the District;
- f. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged; and
- g. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, so as to improve the view from and of buildings.

6. **Space Standards**

- a. Shore frontage, shore setback and shoreland density requirements shall not be reduced below the minimum required in the Zoning District.
- b. Distances between residential structures shall be a minimum of the height of the tallest adjacent structure.
- c. When individual lots will be laid out, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced to 20,000 sq.ft. except in the Village District where it may be reduced to 10,000 sq.ft. provided subsurface sewage disposal complies with the State of Maine Subsurface Wastewater.

Disposal Rules. The building envelope shall contain a minimum of 20,000 sq.ft. except in the Village District a minimum of 10,000 sq.ft. of land area which does not include 100 year floodplains, areas of two or more acres of sustained slopes greater than 20 percent or wetlands as defined by the Natural Resource Protection Act.

- d. Minimum road frontage requirements of this Ordinance may be waived or modified by the Planning Board provided that:
 1. Any applicable provisions regarding roads in Section 4.1.8. below are satisfied; and
 2. Adequate access and turnaround to and from all parcels and/or structures by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways; and
 3. No common driveway shall provide access to more than four (4) lots or dwelling units, except as provided in Section 4.1.8. below.
- e. A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design provided that the front and rear setbacks shall be no less than 25 feet or that required for the applicable Zoning District, whichever shall be less. For the perimeter of a multi-family cluster development, overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the Zoning District unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.
- f. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

7. Utilities

At the discretion of the Planning Board, in order to achieve the most appropriate design and layout of lots, residential structures and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided they shall not unreasonably interfere with the open space purposes or uses to be achieved under this section and for the particular parcel(s) that is the subject to the application for Open Space Subdivision.

- a. All structures requiring plumbing in the development shall be connected to individual septic systems or a private central collection and treatment system in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules. Proposed systems shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development or which are to be utilized as a common or individual water supply for the proposed development.
- b. If a private central collection system is proposed, the applicant must show either that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules, or that a second site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed. In the case of the use of chambers, there shall be designed an excess capacity of thirty (30) percent.
- c. If a private central collection system is proposed, the system shall be maintained by an homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board. The Planning Board may require the developer and homeowners association to retain a qualified third party to inspect and approve the system from time to time and furnish a copy of his report to the Code Enforcement Officer.

8. Roads

The Planning Board shall require private roads and common driveways to comply with the design standards set forth in the Turner Street Construction Ordinance except as provided in Subsection 4.I.8.d. below.

- a. The applicant shall submit to the Planning Board as part of the application for approval a professional engineers drawing showing the location and drainage characteristics, dimensions and grade of roads

and common driveways as well as specifications setting forth their proposed composition.

- b. The subdivision plan shall show the road clearly labeled "private road."
- c. Whenever possible and as far as practicable, the roads and common driveways shall:
 - 1) follow natural contours in an effort to limit phosphorous export;
 - 2) be limited in width, curvilinear in design, and keeping within the rural character of the Town;
 - 3) shall turn away from the front access to public roads, and shall use sufficiently dimensioned culverts to accommodate pre-development and post-development drainage and flows, where necessary.
- d. Travelways and shoulders of roads and common driveways within open space subdivisions shall meet the following minimums:
 - 1) Common driveways serving 3 or fewer dwelling units: 12 foot travel way.
 - 2) Roads serving 4 units: 16-foot travel way and 3-foot shoulders.
 - 3) Roads serving 5 to 10 units: service 16-foot paved travel way and 3-foot shoulders.
 - 4) Roads serving 11 to 50 units: 20 foot paved travel way and 3 foot shoulders.

9. **Open Space Requirements**

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance or the Town of Turner Subdivision Ordinance.

Open space set aside in an open space subdivision shall be permanently preserved as required by this section except where open space is dedicated by a landowner under contract with the Town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted provided that a conservation easement or a declaration of covenants and restrictions is placed on such land pursuant to Section 4.1.9.c. below and provided that the Planning Board approves such configuration of the open space.

- a. **Open Space.** In all Districts, except the Village and General Residential I, at least fifty percent (50%) of the gross acreage shall remain as open space outside of building envelopes, assigned to individual dwelling units and/or road rights-of-ways that are proposed

for public acceptance. In the case where road rights-of-ways will be less than 40 feet in width and to remain as privately owned, the land area on which roads are located may be considered as open space. In the Village and General Residential I Districts, at least forty percent (40%) of the gross acreage shall remain as open space outside of building envelopes, assigned to individual dwelling units and/or road rights-of-ways that are proposed for public acceptance. In the case where road rights-of-ways will be less than 40 feet in width and to remain as privately owned, the land area on which roads are located may be considered as open space.

- b. **Open Space Uses.** On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, stream beds, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:
- 1) On parcels that contain significant portions of land suited to agriculture, open space shall be preserved for agriculture or other compatible open space uses such as forestry, recreation (active or passive) and resource conservation.
 - 2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
 - 3) Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town.
 - 4) The use of any open space may be limited by the Planning Board at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.
 - 5) Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in Section 4.I.9.c. below. Structures and buildings accessory to recreation or conservation uses may be erected on open space, subject to Planning Board approval under the Site Plan Review provisions of Section 5 of this Ordinance and this section.

- c. **Notations on Plan.** Open space areas must be clearly labeled on the Final Plan. The Final Plan shall include information or provide reference to a legal document which defines open space uses, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The open space land shall be permanently reserved for open space purposes and is subject to reservations for future development, including those provisions allowed under subsection d. below. Reference or notations shall also be provided for any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.
- d. **Preservation in Perpetuity.** An owner of a parcel of land may designate all or a portion of the parcel for open space use in perpetuity if the purposes set forth in subparagraph 4.1.2.a-i. are achieved and all other requirements of this performance standard are met subject to the following conditions:
- 1) A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the open space plan.
 - 2) The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Board of Selectmen, and acceptance at Town Meeting or to a qualified not-for-profit conservation organization acceptable to the Planning Board.
 - 3) Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of plan approval hereunder.
 - 4) The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Turner if the Town is not the holder of the conservation easement or beneficiary of the declarations.
 - 5) The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use.
 - 6) The conservation easement or declaration shall be recorded in the Androscoggin County Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision final plan in the Androscoggin County Registry of Deeds.

- 7) Notwithstanding the foregoing, the conservation easement, or the declaration of covenants and restrictions, may allow dwellings to be constructed on portions of parcels that include protected open space land, provided that:
 - a) The total number of dwellings permitted by the conservation easement, or declaration of covenants and restrictions, in the entire subdivision does not exceed the allowable density established in this performance standard above;
 - b) The Planning Board grants approval for such lots; and
 - c) The applicant has reserved the rights to apply for approval for such additional lots.

- 8) **Ownership of Open Space Land.** Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a Homeowners' Association (HOA); dedicated to the Town, County or State governments or agencies; transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set forth in Section 4.1.2.a-i and under the other requirements of this Ordinance and the Town of Turner Subdivision Ordinance. The Planning Board shall, in its review, consider provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

The appropriate form of ownership shall be determined based upon the purpose of the open space reservation as stated pursuant to Section 4.1.9.a. above. Unless so determined, or unless deeded to the Town of Turner and accepted by the citizens of the Town at Town Meeting, common open space shall be owned in common by the owners of the lots or units in the development. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.

- 9) **Flexible Open Space and Substitution; Phasing.** An applicant for an open space subdivision may at a future time designate other land to serve as the open space for such subdivision if the Planning Board finds that the purposes set forth in Section 4.1.2.a-i will better be served by promoting a more innovative design and layout of lots created over time in relation to the area(s) designated as open space if all other requirements under this performance standard may be met. Development that is

phased over time, including a schedule over time for either sale of lots or layout of further lots as part of the open space subdivision plan, is encouraged so that more appropriate design of land use and preservation of greater open space may be achieved.

10) **Maintenance Standards**

- a) Ongoing maintenance standards, where appropriate, shall be established, enforceable by the Town against the owner(s) of common land, including open space land, roads and other facilities as a condition of subdivision approval. Such maintenance standards may include such conditions, obligations, or costs to maintain their use, facilities and/or scenic character.
- b) The owner(s) of common land or facilities including open space lands shall have the responsibility of operation and maintenance of the respective neighborhood recreational facilities within such common land(s), unless such lands or facilities or portions thereof are deeded or transferred to the Town of Turner and accepted by the citizens of the Town at Town Meeting, or unless an approved conservation easement or declaration of covenants and restrictions is established which assigns maintenance responsibilities to another party.
- c) If a HOA or an agreement of owners of the lots or units is to be used, until 51% of all lots and/or units have been sold, and a homeowners association has been formally organized, the applicant for such development shall be responsible for a maintenance of the common lands and facilities.

10. **Notations on Plan**

Common lands, roads or facilities, including open space lands, must be clearly labeled or referenced on the Final Plan. The Final Plan shall include information or provide reference to a legal document which defines use, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof, and shall contain a reference or notation indicating any conservation easements, deed restrictions, or other documents regarding those provisions required to be recorded to implement such reservations, restrictions or provisions.

11. Common Ownerships

a. Homeowners' Associations or Agreements

- 1) Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, road or open space shall be approved by the Planning Board and included in the deed for each lot.
- 2) In such event, the ownership in the HOA or similar entity, or under the agreement of common ownership by all, the lot or unit owners shall be established or contain provisions covering the following:
 - a) The HOA or common agreement must be in legal existence before the lots or units are sold;
 - b) Each lot owner or unit owner shall be a member of the HOA or subject to the agreement and shall be required by recorded covenants and restrictions to pay fees to the HOA, or his pro rate share for taxes, insurance and maintenance of common areas or open space, private roads and other common facilities;
 - c) Property owners must pay their pro rate share of the costs in (b) above, and the assessment levied by the HOA, and from time to time adjusted to meet changed needs. The amounts due from each lot owner or unit owner shall, if not paid when due, constitute a lien on the property; and
 - d) The attorney for the Planning Board shall find that the HOA documents or common lot owners' agreement presented satisfy conditions (a) through (c) above and such other conditions as the Planning Board shall deem necessary.

J. Affordable Housing Incentive

1. **Purpose.** The purpose of the affordable housing incentive is to encourage developers of residential subdivisions and multi-family developments to provide lots or units which are affordable to very low, low and median income households as defined by the United States Department of Housing and Urban Development and comply with the policies of the Turner Comprehensive Plan.

2. **Incentive.** The Planning Board may, in approving a residential subdivision (but not a mobile home park) and multi-family development, allow for an increase of up to 10 percent in the total number of lots or units if the applicant can meet the following criteria and provisions:
- a. Documentation is provided to the Planning Board that subsurface sewage disposal systems will be sufficient to meet the increased density and that adequate supply and quality of water for both domestic and firefighting purposes is available;
 - b. The Planning Board shall require all provisions of this Ordinance and the Town of Turner's Subdivision Ordinance to be met except provisions relating to density;
 - c. The applicant shall provide the Planning Board with information as to the upper income limits for very low, low and median family incomes prepared and published by the Department of Housing and Urban Development and affordability formulas and data used to calculate rents and prices;
 - d. Prior to the initial occupancy of any multi-family dwelling and prior to any occupancy thereafter of any multi-family dwelling unit which the affordable housing incentive created, the Code Enforcement Officer shall be provided proof that the occupant(s) meet the very low, low or median income criteria;
 - e. The Planning Board shall require the applicant to provide proof that upon transfer, sale or disposition of the multi-family unit and/or complex, those units created as the result of the affordable housing incentive shall continue to be occupied by very low, low or median income households;
 - f. Prior to the initial sale of any lot or lot and dwelling which the affordable housing incentive created the Code Enforcement Officer shall be provided proof that the purchaser meets the very low, low or median income criteria; and
 - g. The Planning Board shall at time of subdivision approval require the deed to the lot(s) or lots and dwelling units which the affordable housing incentive created contain a transfer, sale or disposition clause that provides legally enforceable assurances that upon transfer, sale or disposition that the property sale remains affordable to very low, low or median income households. The Planning Board shall require, at a Minimum, the following provisions to be contained in the deed.
 - 1) Transfer shall be to a very low, low or median income household;
 - 2) Upon death of the owner, the property may be transferred to the following:

- i) spouse;
- ii) child or children;
- iii) members of the household who have resided on the premises for at least one year;
- iv) future sale prices of lots which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or if no longer published an equivalent index and an improvement factor;
- v) future sale prices of lots and dwellings which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or if no longer published an equivalent index, improvement factors and wear and tear factor.

h. The term of such deed restrictions shall be 40 years.

K. Home Occupations

1. Home occupations which meet the following conditions do not require a Code Enforcement Officer or Planning Board permit:
 - a. Do not employ any persons who do not make the residence their permanent home;
 - b. Do not display any exterior signs, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building;
 - c. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
 - d. Are not likely to generate regular daily or seasonal traffic.
2. Home occupations that do not meet the provisions of Section 1.a-d above and are located in the Agricultural/Industrial, Commercial 1, Commercial II, Rural I, Rural II, General Residential I and General Residential II Districts shall obtain a permit from the Code Enforcement Officer and comply with the following conditions:
 - a. Not more than two persons who do not make the residence their permanent home may be employed (including part-time workers);
 - b. The appearance of the structure or accessory structure may not be altered, except as provided under subsection c. below or the occupation within the residence must be conducted in a manner that

- would not cause the residence to differ from its residential character by means of colors, lights or sounds;
- c. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained;
 - d. There is adequate off-street parking on the premises for customers' or clients' use;
 - e. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.
 - f. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
 - g. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.
 - h. Do not display any exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building.
3. Auto body shops and auto repair/sales in all districts that meet the definition of home occupations and home occupations that do not meet the provisions of Section 1.a-d and are located in the Village, Shoreland, Resource Protection, Rural I and Rural II Districts shall obtain a permit from the Planning Board and comply with the following conditions:
- a. No more than one person who does not make the residence his or her permanent home may be employed;
 - b. Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;
 - c. Except as provided in Subsection b, the appearance of the structure is not to be altered, subject to Section 4.K.2.C. or the occupation within the residence is conducted in a manner that would not cause the

- residence to differ from its residential character by means of colors, lights and sounds;
- d. There is no objectionable increase in traffic over that normal for the traffic normal for the neighborhood;
 - e. If the home occupation attracts any regular customer or client traffic, there shall be at least two but not more than three off-street parking spaces specifically designated for use by the employee and any customers of the home occupation. Such parking shall not be located within the front setback for the district in which the home occupation is located. When the required parking cannot meet the front setback requirement, it shall not be located between the house and the road as defined by a line drawn parallel to the road which touches the point of the house nearest the road. Such parking areas shall be set back at least ten feet from side and rear lot lines.
 - f. There shall be no public display of goods or wares or machinery used in the home occupation visible from any public or private way or adjacent properties.
 - g. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises according to state laws and local ordinances.
 - h. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
 - i. Do not display any exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building.
 - j. Subsections a-i above shall be retroactive to June 12, 1993 in respect to auto body shops and auto repair/sales that meet the definition of home occupations. Such home occupations shall submit to the Planning Board a Home Occupation Permit Application no later than October 1, 1999.
4. Home occupations not meeting the above standards shall be considered commercial uses.

L. Standards for Non-Commercial Animal Raising in the Village and General Residential Districts

1. Persons keeping farm animals for non-commercial purposes on lots of less than five acres, after the date of this ordinance amendment (April 8, 2006), shall obtain a Planning Board Permit and shall comply with the following standards:
 - a. A parcel of land used for the keeping of horses, mules, cows, goats, sheep, poultry and similar size animals for the domestic use of the residents of the lot, shall contain a lot area inclusive of residential structures of at least 80,000 sq. ft. excluding water bodies of one quarter acre or larger, for the type and number of animals identified below.
 - 1) Cattle: 1 bovine animal per 40,000 sq.ft. lot; or
 - 2) Horse: 2 equine animals per 40,000 sq.ft. lot; or
 - 3) Sheep or goats: 6 animals per 40,000 sq.ft. lot; or
 - 4) Fowl: 50 animals per 40,000 sq.ft. lot; or
 - 5) Combinations of the above: The required lot size shall be determined by the Planning Board and shall conform to the lot size for similar size animals.
 - b. Fences shall be constructed so as to prevent any animal from grazing on adjacent property.
 - c. Manure shall be removed at least every two weeks during the summer months or at such other periods so that odor and insect populations are not a nuisance.

M. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including without limitation, severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall not be approved absent a soils report based on an on-site investigation and shall be prepared by a state-certified professional. Certified persons may include Maine Certified Site Evaluator, Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties.

The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

N. Water Quality

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

O. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 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 and shall require preservation or other appropriate actions to preserve the archaeological sites when identified.

P. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules); and
2. Before the Building Permit is issued for construction, a soil suitability report shall be prepared by a Maine Licensed Site Evaluator showing full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, documentation shall be provided that a replacement system is possible or a second site with suitable soils shall be shown as a reserve area for future replacement of disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

Q. Campgrounds

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

1. Campgrounds shall contain a minimum of 5,000 sq.ft. of land, not including roads and driveways, for each site. Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet from the normal high-water line of a great pond and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

R. Swimming Pools

1. Swimming pools installed after the effective date of this Ordinance shall require a permit issued by the Code Enforcement Officer.
2. All swimming pools shall meet setback requirements for the district they are to be located in.
3. Enclosures of swimming pools shall comply with the provisions of Title 22, M.R.S.A. Section 1632.
4. All electrical connections to the swimming pool and to electrical fixtures or outlets shall meet the requirements of the national electrical code Article 680, as amended.

S. Signs

1. **Purposes.** The purposes of these standards are to encourage the effective use of signs as a means of communication in the Town of Turner; to maintain and enhance the aesthetic environment of the Town of Turner; to create and maintain an attractive business climate in the Town of Turner; to improve and maintain pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and implement the intent of the Turner Comprehensive Plan.
2. Except as provided in Section 3.a-s, no sign may be erected, enlarged, illuminated or substantially altered without a Sign Permit issued by the Code Enforcement Officer after he/she finds that the sign is in accordance with the provisions of this section.
3. The following types of signs are permitted, except where otherwise prohibited by law and shall not require a Sign Permit issued by the Code Enforcement Officer.
 - a. All permanent on-premise signs erected prior to the effective date of this Ordinance, (ordinary maintenance and upkeep shall be allowed).
 - b. Any sign approved by the Planning Board, as an element of Site Plan Review, prior to the effective date of this Ordinance or as proposed in a pending application.
 - c. One sign not exceeding two (2) square feet used to display the street number and/or name of the occupants of the premises.
 - d. One non-illuminated non-internally lit sign not exceeding six (6) square feet used to describe a home occupation.
 - e. One sign not exceeding thirty-two (32) square feet on the premises of public or semi-public buildings, and charitable or religious institutions. These signs may incorporate a bulletin board.

- f. Temporary signs displayed for thirty (30) days or less to advertise school, non-profit, civic, church and like events and garage sales, auctions and like events.
- g. One real estate sign not exceeding sixteen (16) square feet relating to the sale, rental or lease of the premises. Such sign shall be removed within one (1) week after the property transaction.
- h. One sign each for a building contractor, architect or engineer; each sign shall not exceed sixteen (16) square feet relating to construction projects. Such sign shall be removed within one (1) week after construction is complete.
- i. One sign not exceeding thirty-two (32) square feet identifying the name of a farm.
- j. Sign(s) not exceeding thirty-two (32) square feet in total describing farm products for sale on the premise.
- k. Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruits and vegetable crops when crops are offered for sale on premises where those crops are grown from June 15th to November 1st of each year. Signs may advertise only those fruits and vegetables that are available for immediate purchase. A grower may not erect more than 4 signs. A sign may not exceed 8 square feet in size and must be located within 5 miles of the farm stand. The signs must be erected on private property with the landowner's written consent except that the signs may be erected within but at the edge of the right-of-ways of highways that receive no federal aid.
- l. Political signs, not exceeding thirty-two (32) square feet in total area for single faced signs, or sixteen (16) square feet on each side of double-faced signs, provided that:
 - 1) Such signs shall not be erected more than thirty (30) days prior to the election to which they pertain; and
 - 2) Such signs are removed within seven (7) days after the election to which they refer.
- m. Subdivisions may have one non-internally lit sign at each public entrance to the development not to exceed thirty-two (32) square feet per sign.
- n. Any sign(s) placed by the State or Federal Governments or Town of Turner that comply with the Department of Transportation standards.
- o. Outdoor signs identifying restrooms, parking, entrance and similar information.
- p. Four (4) or less Flags or insignia per commercial lot or business. Flags or insignia in excess of four per commercial lot or use shall comply with the provisions of this section.

- q. Memorial signs or tablets, names of buildings and date of construction, or historic markers when cut into masonry, bronze or other permanent material affixed to the structure or placed on the property.
 - r. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
 - s. Signs not exceeding eight (8) square feet per sign which identify entrances and exists to parking and service areas.
4. **Prohibited Signs:** The following signs are prohibited in all areas of the Town of Turner.
- a. Signs, other than barber poles, time, and weather devices, that have visible moving parts or blinking, moving or glaring illuminations.
 - b. No permanent sign except traffic and similar public safety signs, official business directional signs shall be located in the public right-of-way of any street or highway except as may be provided for in Section 4.S.3.
 - c. No sign shall protrude beyond the property line of the lot on which it is placed.
 - d. No sign shall be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit public streets or private roads.
 - e. Signs painted on or attached to stationary-vehicles except for signs relating to the sale of the vehicle. For the purpose of this section, a stationary vehicle means any vehicle not registered and inspected as required by Maine law.
 - f. Inflatable signs, tethered balloons and pennants except associated with special events or sales for a duration not to exceed seven (7) days in any calendar year.
 - g. Signs relating to any businesses which has been out of business for more than 365 days. The owner of the property or his agent shall be responsible for removing such signs.
 - h. Temporary movable signs are not permitted except for the following uses with the issuance by the Code Enforcement Officer of a no fee temporary sign permit.
 - 1) To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at a premises for more than 90 days in any calendar year.

- 2) To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed 90 days in any calendar year.
 - 3) To promote community or civic activities. In such cases, no sign shall remain in place for more than ninety (90) days in any calendar year.
5. **Nonconforming Signs.** Nonconforming signs that were otherwise lawful on the effective date of this Ordinance may continue except as provided below.
- a. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition.
 - b. No illumination may be added to any nonconforming sign except if such illumination complies with the provisions of this section.
 - c. A nonconforming sign may not be moved except for maintenance, change in message or repair or replaced except to bring the sign into conformity with this section.
 - d. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
6. **General Provisions**
- a. Signs must be kept clean, legible and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.
 - b. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
 - c. All signs shall meet the following setback standards:
 - 1) A minimum of twenty (20) feet from the outside edge of the paved portion of any public way with more than two travel lanes and/or a total paved portion in excess of twenty-four (24) feet in width.
 - 2) A minimum of five (5) feet from the right-of-way of any public or private street.

- 3) All signs shall be setback a minimum of five (5) feet from side and rear lot lines.
- d. Area and height of signs shall be computed as follows.
- 1) Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
 - 2) Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.
 - 3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

7. **Specific Standards**

- a. Commercial I, Commercial II and Agricultural/Industrial Districts: The following standards apply to the Commercial I, Commercial II, and Agricultural/Industrial Districts.
 - 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this section.

- 2) On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than thirty (30) percent of the wall to which is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors and architectural features.
- 3) Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed.
- 4) Projecting Signs: One projecting sign is permitted per structure. Such sign shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than fifteen (15) feet from any property line. No projecting sign shall exceed thirty-two (32) square feet.
- 5) Free Standing Signs:
 - a) One free standing sign per lot is permitted except for each additional 200 feet of street frontage per lot above the minimum frontage requirement for that district; an additional free standing sign is permitted provided it complies with Subsections b) and c) below.

No free standing sign shall exceed eighty (80) square feet in area, the top edge shall not be higher than twenty (20) feet vertical measure above average ground level from the base.
 - b) For lots with 200 feet of frontage or less, or lots that meet the criteria in Section a.) above, no free standing sign shall exceed eighty (80) square feet in surface area.
 - c) For lots with linear street frontage of more than 200 feet, the size of a single free standing sign maybe increased by 0.4 square feet in surface area for every linear foot of street frontage above 200 feet.
 - d) Lots fronting on two or more public streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on a single street in excess of that allowed for lots with only one street frontage.
 - e) Multi-tenant or unit commercial development which lacks street frontage and is served by a right-of-way may have one free standing sign not to exceed 160 square feet.
- 6) Illumination: Signs shall be illuminated only by the following means:

- a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises;
 - b) Interior or surface mounted, non-exposed, white lights of reasonable intensity; and
 - c) Neon tube illumination may be only used for window signs that do not exceed twenty-five (25) percent of the window area in which they are located.
- 7) Awning and canopy signs: Awning and canopy signs are permitted. Canopies over fuel island shall only advertise fuel and fuel products.
- b. Village District. The following standards apply to the Village District, except that for those lots with frontage on Route 4, and the primary sign is located adjacent to Route 4 and which the primary vehicle and/or visual access is from Route 4, signs shall comply with the standards set forth in Section 4.S.7.a., above.
- 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
 - 2) On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure for each occupancy under common ownership operation or control therein. Such sign shall not occupy more than twenty (20) percent of the wall to which it is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors and major architectural features.
 - 3) Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed.
 - 4) Projecting signs: One projecting sign is permitted per structure. Projecting signs shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than eight (8) feet from any property line. No projecting sign shall exceed twenty-four (24) square feet.
 - 5) Free Standing Sign: One free standing sign is permitted per lot. No free standing sign shall exceed twenty-four (24) square feet in area. The top edge shall not be higher than twelve (12) feet vertical measure above average ground level from the base.

- 6) Awning and canopy signs: Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products.
 - 7) Illumination: Signs shall be illuminated only by the following means:
 - a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises.
 - b) Interior, non exposed, white lights of reasonable intensity.
 - c) Neon to be illuminated may be only used for window signs that do not exceed twenty-five (25) percent of the window area in which it is located.
- c. General Residential I and General Residential II Districts
- 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
 - 2) All signs shall be mounted flat on the wall or free standing.
 - 3) Illumination: Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light off the premises.
 - 4) Total Signage: The permitted total signage shall not exceed twenty-four (24) square feet.
- d. Rural I and Rural II Districts
- 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
 - 2) All signs shall be mounted flat on the wall or be free standing.
 - 3) Illumination: Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light of the premises.
 - 4) Total Signage: The permitted total signage shall not exceed thirty-two (32) square feet.

e. **Shoreland and Resource Protection Districts**

- 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
- 2) All signs shall be mounted flat on the wall or be free standing.
- 3) Illumination: Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light off the premises.
- 4) Signs shall not exceed two (2) per lot and not be larger than six (6) square feet in area.

T. Shoreland Areas

The following provisions shall apply only to the land areas within 250 feet, horizontal distance, of the normal high water line of any great pond and river; within 250 feet, horizontal distance, of the upland edge of a non-forested freshwater wetland; within 75 feet, horizontal distance of the normal high water mark of a stream; in the 100 year floodplain, as designated on the Federal Emergency Agency's Flood Boundary maps and as depicted on the Official Zoning Map.

1. If more than one residential dwelling unit or more than one principal commercial, governmental, institutional 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.

2. Principal and Accessory Structures

- a. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland except that in the Village District the setback from the normal high-water line shall be not less than twenty-five (25) feet horizontal distance,. In addition:
 1. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 2. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if

necessary to accomplish the purposes of this section. Instances where a greater setback may be appropriate include, but are not limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

3. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
 - b. Principal or accessory structures and expansions of existing structures which are permitted 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.
 - c. 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, the flood as defined by soil types identified as recent flood plain soils or by local information and knowledge. A development with 100 year flood plains must comply with the Flood Plain Management Ordinance.
 - d. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland and Resource Protection Districts shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland area, including land area previously developed, except in the Village, Commercial I and Commercial II and Agricultural/Industrial Districts where maximum Impervious Surface Ratios shall not exceed those contained in the Space and Bulk Standards as set forth in Section 3.
 - e. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental

Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

- f. 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:
 1. The site has been previously altered and an effective vegetated buffer does not exist;
 2. 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;
 3. 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;
 4. The total height of the wall(s), in the aggregate, are no more than 24 inches;
 5. Retaining walls are located outside of the 100-year floodplain on rivers, streams, 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.
 6. 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
 7. 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:
 - a. 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;
 - b. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

- c. Only native species may be used to establish the buffer area;
 - d. 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;
 - e. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;
3. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.
- 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 located so as to minimize adverse effects on fish habitat.
 - d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall be no wider than six feet for non-commercial uses.
 - 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 body or wetland 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. Except in the Village District structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a Water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
 - g. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

4. 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, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- c. Only one recreational vehicle shall be allowed per 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.

5. 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. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the Village 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.

6. 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, and seventy-five (75) feet , horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, 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.

This paragraph 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 use. Roads and driveways providing access to permitted structures within the setback areas shall comply fully with the requirements of subsection 6.a except for that portion of the road or driveway necessary for direct access to the structure.

- b. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland. Increases in the travel way width of privately owned streets which are less than 100 feet from the normal high water line of a great pond or 75 feet from the normal high water line of other water bodies shall not further encroach or reduce the existing setback.
- c. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the districts in which

case the road 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.

- d. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection 14.
- e. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
- f. 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.
- g. 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
16-20	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 down slope 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.
- h. 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.

7. 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 pre-development 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.

8. 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 permitted 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 permitted, 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.

9. Mineral Exploration

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the 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.

10. Agriculture

- a. All spreading or disposal 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, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland area 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 area shall require a Conservation Plan. Nonconformance 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; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five 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; within seventy-five (75) feet, horizontal distance of other water bodies, 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.

11. Timber Harvesting

- a. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 1. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - i. The ground is frozen;
 - ii. There is no soil disturbance;
 - iii. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land.

- iv. There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - v. A licensed professional forester has marked the trees to be harvested prior to a permit issued by the Code Enforcement Officer.
2. Beyond the 75-foot strip referred to in paragraph 1. above, timber harvesting is permitted in accordance with paragraph b. below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 ½ feet above ground level be reduced to less than 30 square feet per acre.
- b. Except in areas as described in Paragraph a. above, timber harvesting shall conform with the following provisions:
 1. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - i. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA and within seventy-five (75) feet, horizontal distance, of the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained. For the purposes of this section, a “clear-cut opening” is an opening in the forest canopy of greater than two hundred fifty (250) square feet, except that an opening in the forest canopy of greater than two hundred fifty (250) square feet does not constitute a clear-cut opening when (a) a well-distributed stand of understory trees at least ten (10) feet in height and vegetation, including existing ground cover, are maintained, and (b) the opening is created by a single tree, as long as the opening is not increased by the removal of other trees and vegetation is maintained in the opening.
 - ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high water line or other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they

- shall be at least one hundred (100) feet, horizontal distance, apart. Such clear-cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- iii. The Planning Board may issue a permit to exceed the 40 percent limitation upon a clear showing including a Forest Management Plan signed by a Maine licensed Professional Forester that such timber harvesting in excess of the 40 percent is necessary for good forestry management and is carried out in accordance with the purpose of this Ordinance. The Planning Board shall notify the Department of Environmental Protection of any permits issued for timber harvesting in excess of the 40 percent within 14 days of approving such permits.
2. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
 3. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
 4. All crossings of flowing water shall require a bridge or culvert except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
 5. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
 6. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of

such exposed mineral soil on a back face shall be closer than twenty five (25) feet , horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

12. 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 75 feet, horizontal distance, 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 paragraph 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 or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- 1. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a 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 Section a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot 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 in.	1
4 – <8 in.	2
8-< 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a

minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

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

For the purposes of Section 2.b above “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.

3. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 12.b and 12.b.1 above.
4. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Paragraph 2 above 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 or a river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be 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.

- 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 this section.

13. 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 require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - 1. Mulching and revegetation of disturbed soil.
 - 2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - 3. Permanent stabilization structures such as retaining walls or riprap.
- 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 riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure in addition:
 - 1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - 2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - 3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- e. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year 24-hour storm or greater, and shall be stabilized with vegetation or lined with riprap.

14. Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone

15. Archaeological 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.

U. Temporary Dwellings

1. **Purpose:** The purpose of these standards is to provide for the habitation of one dwelling during the construction or renovation of a second dwelling on lots that do not comply with Section 3.1.6 of this Ordinance.
2. **General Requirements:** The Code Enforcement Officer may issue a Temporary Dwelling Permit for the purpose of the owner residing in one dwelling while a new dwelling is constructed or an existing dwelling is renovated if all the following are met:
 - a. The structure to be resided in during the construction or renovation of the second structure shall be connected to an approved subsurface sewage disposal system.
 - b. All zoning setbacks and lot coverage requirements of this ordinance shall be met.
 - c. The owner must reside in one of the structures during construction or renovations.
 - d. The structure which is not to be the principle residence shall be resided in for not more than sixteen (16) months from the date of the issuance of the permit for the construction of primary residence.
 - e. Within sixteen (16) months from the date of the issuance of a permit or sixty (60) days from the issuance of an occupancy permit, whichever is less, the owner shall comply with the following: (1) in the case of a mobile home, it shall be removed from the lot. (2) Other structures shall be converted to an accessory structure or removed.
 - f. Prior to the issuance of a building permit for the construction and renovation on a lot where a temporary residential structure will be located the owner shall sign a binding agreement with the Town of Turner that the provisions of this section shall be complied with.

V. Non-Residential Accessory Structures

Accessory structures to commercial, manufacturing and industrial structures and uses of greater than 1,000 square feet in total floor area shall require review and approval of compatibility by the Code Enforcement Officer. Before making a determination of compatibility the Code Enforcement Officer shall make a positive written finding that the proposed accessory structure meets the following criteria:

1. The proposed structure shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed accessory structure so as to have minimal adverse affect on the environment and aesthetic qualities of the developed and neighboring areas.

2. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
3. Colors shall be harmonious and shall use compatible accents. and
4. Exterior lighting shall be part of the architectural concept.

W. Commercial Telecommunications Towers and Related Facilities

1. Purpose

The Town of Turner finds that the regulation of the placement, spacing, installation, location and number of both wireless and conventional commercial telecommunications towers and related facilities, consistent with federal and state policies and law, is in the public interest:

- a. In order to reduce the potential adverse impacts of such towers and related facilities upon the unique natural assets of the Town of Turner including the scenic views and its rural environment according to the Turner Comprehensive Plan;
- b. In order to minimize the number, avoid congestion in their location and lessen their intrusive effect;
- c. In order to conserve and enhance property values; and
- d. In order to ensure the optimum location of telecommunications towers and related facilities.

2. Intent

In compliance with federal regulations and Section 5 Site Plan Review, of this Ordinance, the Town of Turner does not intend to create barriers to the ability to provide interstate or intrastate telecommunications services or to discriminate against or favor providers of commercial telecommunications facilities and services.

3. Guidance Standards

The purposes of these standards shall be as follows:

- a. To preserve the authority of the Town of Turner to regulate the siting of commercial telecommunications towers and related facilities and to determine the optimum location for such towers and facilities in order to provide commercial telecommunications services to the Town of Turner effectively and efficiently;
- b. To enable the Town to take such steps as may be needed to reduce any adverse impacts such facilities may create, including, but not limited to, impacts upon aesthetics, scenic resources, environmentally sensitive areas, recreational uses, safety, property values, and areas or sites of historic significance;

- c. To encourage the use of innovative siting and configuration options, including siting possibilities within or attached to existing structures or beyond the municipal jurisdiction of the Town and to require cooperation and collocation between competitors and the exhaustion of all other reasonable alternatives before the construction of new towers is permitted;
- d. To ensure that there is an adequate assumption of responsibility for maintenance, repair, and safety inspections of operational facilities, for the prompt and safe removal of abandoned telecommunications towers and related facilities and for the removal and upgrade of facilities that are technologically outdated; and
- e. Encourage personal wireless commercial telecommunications services to provide a blanket of coverage for the Town of Turner, not just nearby corridors, to ensure that the facilities constructed will provide the best possible service and benefits to the community.

4. **Specific Standards**

- a. Except to the extent of any inconsistency with federal or state law, and subject to the standards contained in this Section and Section 5, Site Plan Review, the siting, establishment, erection, installation or operation of a commercial telecommunications tower facility within the Town of Turner shall be considered to be a principal use.
- b. For the purpose of this Ordinance Commercial telecommunications towers and related facilities shall not be considered infrastructure, essential services or public utilities and the siting of such facilities shall constitute a use of the land to be regulated by this Ordinance.
- c. Towers, antennas or other commercial telecommunications facilities shall be located and designed so as to preserve the ability of the public to enjoy the scenic views as defined in the Turner Comprehensive Plan;
- d. Use of alternative technologies and of collocation shall be thoroughly studied, and determined to be infeasible before the construction of any new towers are approved;
- e. Commercial telecommunication towers, antennas, and other electrical and mechanical equipment shall be made with a neutral finish or color or otherwise be treated so as to reduce visual impact;
- f. Towers shall only be lighted if required by the FAA and such lighting shall be designed so as to cause the least impact upon the surrounding properties or abutting communities;
- g. Towers shall be located on sites where the topography and tree cover of the surrounding land shall be utilized to minimize any adverse visual impact;

- h. Existing mature vegetation and natural land forms on the site shall be preserved to the maximum extent possible;
- i. Towers shall not contain any permanent or temporary signs, writing, symbols or other graphic representation of any kind, except as may be allowed or required by the Turner Planning Board in the interest of public safety;
- j. The minimum land area for a commercial telecommunications tower and related facilities shall be 125% of the of the area required for the fall zone which may be by ownership, lease or easement;
- k. The minimum distance from a commercial telecommunications tower to any property line, road, structure, dwelling, recreational or institution use shall be 125% of the fall zone of the tower, including any antennas or other appurtenances, which may be by ownership, lease or easement;
- l. Towers shall be enclosed by security chain-link fencing a minimum of 6 feet in height and shall be equipped with appropriate anti-climbing devices;
- m. Access for motorized vehicles to tower compound shall reflect the access performance standards of this ordinance and minimize the impact upon the surrounding environment;
- o. The tower compound shall be landscaped and maintained with a vegetative buffer that effectively screens the view of the tower base and support facilities; and
- p. All towers, antennas and other telecommunications facilities and equipment shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal or state governments having controlling regulatory authority. If such standards or regulations are changed, the owners or operators of such facilities or equipment shall insure that it complies with the revised standards or regulations within six (6) months of the effective dates of any revisions unless the controlling authority mandates a more stringent compliance schedule.

NOTE: Items W.4.j-o may not apply when the telecommunication equipment is attached to or within an existing structure and the Planning Board determines that there will be no adverse impact on the subject or adjacent properties.

5. **Abandonment**

Failure to comply in accordance with the applicable schedule shall constitute abandonment and shall be grounds for the removal of such facilities or equipment at the owner's expense through the execution of the posted security.

- a. The owner of a tower, antenna, or other commercial telecommunications related facilities and equipment shall be responsible for insuring that such facilities and equipment at all times conform to applicable industry standards, as such standards may be amended from time to time. If upon inspection the Planning Board or their designee determines that such regulations or standards are not being met, or that the facilities or equipment pose a danger to persons, property, or the community they shall notify the owner of the facility in writing and the owner shall within thirty (30) days, remedy such defects. Failure to do so shall constitute abandonment and shall be grounds for the removal of the facilities and equipment at the owner's expense through the execution of the posted security.
- b. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, and such antenna or tower shall be removed in accordance with the following procedure:
 1. The Planning Board shall hold a public hearing after due notice to abutters and to the last known owner/operator of the antenna or tower;
 2. If at such hearing, the Planning Board determines that the antenna or tower is , in fact, abandoned, it shall issue a declaration of abandonment to the owner/operator;
 3. Within ninety (90) days after issuance of such declaration, the owner shall remove the abandoned structure and, if the owner/operator shall not, the town may execute the security and have the tower removed at the owners expense; and
 4. If there are two or more users of a single tower, the provisions of this subsection shall not become effective until all users cease using such tower.

6. **Security Bonds**

- a. Before, and as a condition of the approval of a Site Plan filed in connection with the installation of any commercial telecommunications tower and related facilities, the Planning Board shall require the developer or installer to file with the Town a bond in an amount adequate to cover the costs of removing the facility together with any structures or equipment appurtenant thereto and of returning the site to its condition prior to such installation. This performance bond shall remain on file with the town and shall not be released unless the installation has been decommissioned, dismantled, and removed.
- b. The Planning Board shall require the owner/operator of any antenna or tower to annually provide the Town office proof that it is maintaining a certificate of liability insurance covering accident or damage.

X. Individual Lot Phosphorous Management

1. Purpose

The purposes of these standards are to maintain the water quality of lakes and ponds in Turner and those it shares with adjacent communities by controlling the transport of phosphorous from their direct watersheds.

2. Applicability of Standards

a. The following development activities shall require a Phosphorous Management Control Permit issued by the Code Enforcement Officer whenever located within the direct watershed of a lake or pond. For the purposes of this standard, Gulf Island Pond shall not be considered a pond.

1. New commercial, retail, industrial, institutional and recreational structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.
2. New residential structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.
3. Expansions in any five (5) year period of any residential, commercial, retail, industrial, institutional or recreational structures and uses that will result in more than six hundred twenty-four (624) square feet of impervious surface that have not received approval by the Planning Board that included a Phosphorous Export Analysis.

b. The following are exempt for this Section:

1. Legally existing buildings and uses as they existed on April 8, 2006; and
2. Land development activities related to Subdivision and Site Plan Review activities when they are in conformance with an approved application by the planning Board to limit phosphorous export pursuant to Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development, (Maine Department of Environmental Protection et al., September 1989 with revisions to Chapter 4, May 1990 and as amended).

3. Application Procedure

Before issuing a Building or Use Permit, the Code Enforcement Officer shall review and approve an application for Phosphorous Management Control.

a. Submission Requirements

1. The tax map and lot number of the lot and the name of the direct lake/pond watershed in which it is located.
2. A Site Map of the proposed activity drawn at a scale of one (1) inch equals fifty (50) feet unless otherwise approved by the Code Enforcement Officer showing:
 - i. The location and dimensions of all existing and proposed structures and driveways;
 - ii. Existing ground cover (woods, fields, lawns, etc.);
 - iii. Areas to be cleared for construction or landscaping;
 - iv. Present or proposed location of Subsurface Wastewater Disposal System;
 - v. Drainage Patterns.
3. A photograph of the project site.

b. Application Review

The Code Enforcement Officer shall review and approve a Phosphorous Management Control Permit based on one of the following methods.

1. Point System

The Code Enforcement Officer shall issue a Phosphorous Management Control Permit if the applicant meets or exceeds thirty (30) points based on the following schedule.

- i. 10 points for correcting an existing erosion problem on the project site.
- ii. 10 points for a clearing limitation of 15,000 square feet and less.
- iii. 15 points for a clearing limitation of 10,000 square feet and less.
- iv. 15 points for the installation of rock-lined drip edges or other infiltration system to serve the new construction.
- v. 20 points for a 50-foot wide buffer located downslope of the developed area.
- vi. 25 points for a 75-foot wide buffer located dwonslope of the developed area.

vii. 30 points for a 100-foot wi

- iii. **Ground Cover.** Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater while area is returning to its natural state.

Y. Farm Enterprise

1. Purpose

The purpose of Farm Enterprise is to assist in the implementation of the policies of the Comprehensive Plan relating to encouraging the presence of an agricultural land base for production agriculture and to encourage use of prime agriculture land for farming by providing farm owners and operators to conduct business not otherwise permitted in the Rural I and Rural II Districts to supplement income from traditional farm operations. The Planning Board shall find in addition to the Provisions of Section 5, Site Plan Review, of this Ordinance that all of the following criteria will be met.

- a. The farm enterprise shall be owned by the owner of the farm.
- b. The farm enterprise is located on property owned by the owner of the farm.
- c. Should the farm enterprise not be conducted in an existing structure, new structure(s) constructed for the sole purpose of conducting a farm enterprise shall not exceed a total of 10,000 square feet of ground area.
- d. The owner of the farm enterprise shall provide the Planning Board with a legally binding statement that should his or her farm operation cease, the farm enterprise shall also cease within 60 days unless the use is permitted in the district or, for those uses not permitted, the farm owner can provide proof by easement, lease, or other binding legal agreement that the usable farm land will continue to be farmed by others or has been set aside for conservation, recreational, or other open space uses. With such documentation, the Planning Board can allow the farm enterprise use to continue.

Z. Storage Tanks

All above or below ground storage tanks, of any size, used for the storage of fuels, hazardous substances, chemicals, industrial wastes, and flammable or combustible liquids shall be designed and installed in accordance with all applicable rules or standards set by the State of Maine, Maine State Fire Marshal's Office, or the Maine Department of Environmental Protection.

AA. Rental Cabins

Rental cabins are permitted with Planning Board approval providing the following conditions are met.

1. Density – one cabin per 30,000 square feet of lot area. 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 cabin.
2. Cabins/structures shall be set back 100' from the normal high water line of a great pond and 75' from the normal high water line of other waterbodies, tributary streams, or the upland edge of a wetland.
3. Cabins/structures shall be set back 100' from any public road and 50' from any lot line. Setbacks from a private road shall be 100' except setbacks from private roads or driveways located on the same parcel can be reduced to 25' by the Planning Board.
4. Cabins/structures can be constructed on permanent foundations or support posts set on the existing ground.
5. The clearing of vegetation for siting of the cabin/structure in a Shoreland District shall be limited to 1,000 square feet per unit. Clearing of vegetation in other districts shall be limited by the Planning Board to the minimum necessary for the practical use of the property.
6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each cabin/structure. Installation of subsurface sewage disposal systems shall be in compliance with the State of Maine Subsurface Wastewater Disposal Rules.
7. The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes.
8. The owner of the rental cabin shall provide the Planning Board with a legally binding statement that should his or her facility cease operations, the rental cabins/structures will be removed within 60 days unless the rental cabins/structures meet all dimensional requirements for residential dwelling units contained in this ordinance. The Planning Board may also approve the continued use of the rental cabins/structures as residential dwelling units with new application and approvals under the Open Space Subdivision provisions of this ordinance.

BB. Shorefront Common Areas

Shorefront Common Areas used for more than one residential dwelling unit or family unit or other legal entity shall meet the following criteria:

1. Shorefront Common Areas shall have a minimum of 250' of shore frontage and a minimum of 100' of lot depth for the first 10 residential dwelling units or rights of use granted and there shall be an additional 25' of shore frontage with a minimum of 100' of lot depth for each additional residential dwelling unit or rights of use granted.
2. Use of common areas within a subdivision shall be limited to residential dwelling units contained within said subdivision.
3. The provisions of this Section shall not apply to municipal beach facilities.
4. The provisions of this Section shall apply to all new uses located within the shoreland zone.
5. Shorefront common areas established before April 8, 2006 are exempt from the preceding criteria if there has been no increase in rights of use granted since said date.

CC. Apartments Accessory to Commercial Uses

1. **Purpose.** The purpose of these standards is to allow the development of residential dwelling units as an accessory use in commercial structures while ensuring a suitable residential environment.
2. **General Requirements.** The Code Enforcement Office may issue a permit for one and the Planning Board may issue a permit for two residential dwelling units, in a commercial structure provided the following are met. Three or more residential dwelling units in a commercial structure shall require subdivision approval.
 - a. The residential dwelling units shall be clearly incidental to the principal commercial nature of the structure.
 - b. Each dwelling unit shall be provided with a private, outdoor yard space adjacent to the unit.
 - c. Each dwelling unit shall be provided two off-street parking spaces separate from customer parking.
 - d. Subsurface sewage disposal shall be provided that complies with the State of Maine Subsurface Sewage Disposal Rules.
 - e. Each dwelling unit shall have access to and use of a minimum of 400 cubic feet of private storage space within the individual dwelling unit or in common storage facilities.
 - f. No access to the residential dwelling unit shall be via commercial space.
 - g. All provisions of the Town of Turner Building Code and the National Life Safety Code shall be met.

SECTION 5. Site Plan Review

A. The purposes of this section are:

1. To provide municipal review of projects that potentially could affect the environment and community;
2. To promote and protect the health, welfare and safety of the residents of the Town of Turner;
3. To provide local protection from those particular nuisances which are not governed by State law or regulation;
4. To balance the rights of landowners to use their land with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, storm water runoff or the pollution of ground or surface waters;
5. To reduce the off-site external problems created by developments thereby decreasing the cost of maintaining or improving municipal services;
6. To conserve the Town's natural beauty and visual character by ensuring that structures, signs and other improvements and uses of land are sited and developed with due regard to the aesthetic qualities of the natural terrain and that proper attention is given to exterior appearances of structures, signs, other improvements and uses of land; and
7. To implement the policies of the comprehensive plan.

B. Applicability

1. Site Plan Review by the Planning Board in conformity with the criteria and standards of this section shall be required for the following:
 - a. Uses in each district which require site plan review as identified in Section 3.H.
 - b. A change in use when the new use is subject to Site Plan Review.
 - c. New uses of existing structures or land or existing uses that require Site Plan Review as identified in Section 3.H. when such uses would alter normal traffic patterns, or which would employ new materials and/or processes.
 - d. Existing uses that require Site Plan Review as defined in Section 3.H which seek to expand within any five (5) year period, with regard to floor space, seating capacity or outdoor storage area, unless the expansion is less than 30% and the Code Enforcement Officer makes written findings that (1) the new use will comply with the standards in Section 5.E and F,(2), the hours of operation of the new use will be similar to those approved by the Planning Board for the previous use,

and (3) traffic volumes will not increase from a low volume generator to a medium or high volume generator, or from a medium generator to a high volume generator as defined in Section 5.E.4.d.

- e. Resumption of conforming uses which have been abandoned for at least five years which would require review if being newly established.
 - f. The initial placement of above or below ground storage tank(s) used for fuels, hazardous substances or flammable and combustible liquids which contain 10,000 gallons or more in total or in combination.
2. Site plan approval is not required for the following:
- a. The normal and customary practices and structures associated with agriculture as defined in Section 8.
 - b. Sand and gravel pits approved or established prior to March 10, 1990 including the expansion of those pits approved or established on the same or adjacent parcels.
 - c. A new use of a structure and/or land area that has previously undergone Site Plan Review and approval by the Planning Board, when the Code Enforcement Officer makes written findings that (1) the new use will comply with the standards in Section 5.E and F, (2) the structure or land area will not be enlarged beyond what is permitted in Section 5.B.1.d.(3), the hours of operation of the new use will be similar to those approved by the Planning Board for the previous use, and (4) traffic volumes will not increase from a low volume generator to a medium or high volume generator, or from a medium generator to a high volume generator as defined in Section 5.E.4.d.

C. Administration

1. **Agenda.** In order to avoid unnecessary delays in processing applications, the Planning Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Planning Board's agenda no less than fourteen (14) days in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the agenda may be heard but only after all agenda items have been completed and then only if a majority of the Planning Board so votes.
2. **Preapplication Meeting.** Applicants are encouraged to schedule a meeting with the Planning Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed project.
 - a. **Submission.** The Preapplication Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free-

hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.

- b. **Contour Interval and On-Site Inspection.** Within 30 days of the pre-application meeting, the Planning Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan and conduct an on-site inspection of the property.
- c. **Ownership Interest.** The applicant will furnish written evidence showing his right, title or interest (option, contract for sale, etc.) in the property to be developed to the Planning Board.

3. **Application Procedure**

- a. **Applications in Writing.** All applications for site plan approval shall be made in writing on forms provided for this purpose. Applications shall be received by the Planning Board in order filed and when the Board agenda permits.

All applications shall be made by the owner in the property or his agent, as designated in writing or person which shows evidence of right, title or interest.

- b. **Development Plan.** A Development Plan meeting the standards of this section shall be submitted to and reviewed by the Planning Board and shall be approved by the Planning Board before any building permit may be issued. In the case of proposed resummptions of uses which have been abandoned for at least two years, Planning Board approval shall be required before such uses may be resumed if such a use requires review if being newly established.
- c. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Development Plan. The Planning Board shall provide the applicant a dated receipt of a Site Plan Review application at the Planning Board meeting where the application is first presented.
- d. Within 30 days of receipt of a Site Plan Review application form and fee, the Planning Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Planning Board may request the applicant to provide additional information necessary for the Planning Board review after a determination that a complete application has been received. The Planning Board shall determine whether to hold a public hearing.
- e. The Planning Board shall hold a public hearing on each application at the first meeting the application is presented and shall publish notice

of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least 7 days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed development at least 7 days prior to the hearing by the Town of Turner.

Within 30 days after the record is closed of a public hearing, or within 60 days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall issue an order and approve, approve with conditions, or deny the development plan. The Planning Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

4. **Additional Studies.** The Planning Board may require the applicant to under-take any study which it deems reasonable and necessary to demonstrate that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.
5. **Notice to Abutters.** Upon filing an application, property owners within 100 feet of the edge of the applicant's property lines shall be notified by certified mail, Return Receipt Requested, by the Applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and place of the Planning Board's first consideration of the application. The applicant shall show proof that the abutting property owners were notified.
6. **Financial Guarantee.** Prior to final approval or any Site Plan Review application, the Planning Board may require the posting of a bond, escrow agreement or letter of credit in such amount as is approved by the Planning Board. This amount shall be sufficient to ensure completion of all improvements required as conditions of approval of such plan in such form as approved by the Planning Board and Town Selectmen. The Town shall have access to the site at all times to review the progress of the work.
7. **Conditions.** The Planning Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards and criteria of this Ordinance.
8. **Expiration of Approvals.** All Site Plan Review approvals shall expire two (2) years after the date of issuance unless work thereunder is commenced. If work is not completed within five (5) years from the date of approval, the approval lapses and a new application must be made and approved subject to all ordinances then in effect. There will be no additional charge for application review provided the application is unchanged.
9. **Minor Changes to Approved Plans.** Minor changes in approved plans necessary to address field conditions or structure orientation may be authorized by the Code Enforcement Officer provided that any such change does not affect the standards of this Ordinance or alter the intent of the approval. A request for a minor change to an approved plan shall be in

writing to the Code Enforcement Officer. In making the determination to approve a minor change to an approved plan the Code Enforcement Officer shall consult with the Planning Board Chair or the Chair's designee. All approvals for minor changes to approved plans shall be in writing by the Code Enforcement Officer. A copy of the written approval and revised site plan shall be filed with the Planning Board within thirty (30) days from the date of the written approval.

10. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as permitted in 9 above, is subject to review and approval by the Planning Board.
11. **Inspections.** The Planning Board or Code Enforcement Officer may require the applicant to pay for professional oversight or inspections during construction of site or building improvements proposed under this ordinance. If required, at least five (5) days prior to commencing construction, the applicant shall:
 - a. Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction so that the municipal officers can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completions of improvements required by the Planning Board or Code Enforcement Officer.
 - b. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.

D. Site Plan Review Application Requirements

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The completed application form, required fees and the required plans and related information shall be submitted to the Planning Board no less than fourteen (14) days prior to meeting.

One copy of the plan(s) and all accompanying information shall be mailed to each Planning Board member and Code Enforcement Officer. The applicant shall mail via certified mail, return receipt requested, the application to the Fire Chief, Rescue Chief, Road Commissioner and Superintendent of Schools no less than fourteen (14) days prior to the meeting. The Planning Board can request that the Fire Chief, Rescue Chief, The Road Commissioner and Superintendent of Schools provide the Planning Board with official comments upon the adequacy of their department's existing capacity to service the

proposed development.

The submission shall contain at least the following exhibits and information:

1. The Development Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Town Office, drawn at a scale of not smaller than 50 feet to the inch or other scale as determined by the Planning Board. Space shall be provided on the Development Plan for the signatures of the Board and date with the following words. Approved: Town of Turner Planning Board
2. A fully executed and signed copy of the application for Site Plan Review.
3. **General information:**
 - a. Name of owner(s) of record and address and applicant's name and address, if different;
 - b. The name of the proposed development;
 - c. Names and addresses of all property owners within 100 feet of the edge of the property line;
 - d. Sketch map showing general location of the site within the Town;
 - e. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
 - f. The tax map and lot number of the parcel or parcels;
 - g. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant; and
 - h. The name, registration number and seal of the land surveyor, architect, engineer and/or person who prepared the plan.
4. Every application shall be accompanied by the written certificate of the Town's Code Enforcement Officer that the applicant is not in violation of any Town Ordinance regulating land use. No application shall be considered complete, nor shall any application be in order for review or approval, unless accompanied by this written certificate. The Planning Board shall not waive this requirement.
5. **Existing Conditions**
 - a. Zoning classification(s) of the property and the location of Zoning District boundaries if the property is located in two or more Zoning Districts or abuts a different district;

- b. The bearings and distances of all property lines of the property to be developed and the source of this information. The Planning Board may require a formal boundary survey when sufficient information is not available to establish, on the ground, all property boundaries;
- c. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- d. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development;
- e. The location, dimensions and ground floor elevations of all existing buildings on the site;
- f. The location and dimensions of existing driveways, streets and parking and loading areas and walkways on the site;
- g. Location of intersecting roads or driveways within 200 feet of the site;
- h. The location of open drainage courses, wetlands, significant wildlife habitat, known or potential archaeological resource, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered, other important natural features with a description of how such features will be maintained or impacts upon them minimized;
- i. The direction of existing surface water drainage across the site, if existing condition contours are not provided;
- j. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;
- k. The location and dimensions of existing and proposed signs; and
- l. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

6. Proposed Development Activity

- a. The location, dimensions, design and exterior materials of all proposed buildings and structures.
- b. All existing and proposed setback dimensions.
- c. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus.
- d. The type, size and location of all incineration devices.

- e. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.
- f. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface waste water disposal system.
- g. The type and location of water supply to be used.
- h. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings including their physical and chemical properties, if appropriate,
- i. All existing contours and proposed finished grade elevations of the entire site and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Board.
- j. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, together with their dimensions.
- k. Landscape plan indicating all landscaped areas, fencing and size and type of plant material proposed to be retained or planted with special emphasis placed on front setback areas.
- l. All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.
- m. The property lines of all properties abutting the proposed development, including those properties across the street, with the names and addresses of the owners as disclosed on the tax maps on file in the Town Office as of the date of the development plan review application.
- n. Traffic Data: Traffic data shall include the following:
 - 1) The estimated peak-hour traffic to be generated by the proposal.
 - 2) Existing traffic counts and volumes on surrounding roads.
 - 3) Traffic accident data covering the most recent three-year period for which such data is available.
 - 4) The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
 - 5) The need for traffic signals and signs or other directional markers to regulate anticipated traffic.

- o. A storm water drainage and erosion control plan showing:
 - 1) The existing and proposed method of handling storm water run-off.
 - 2) The direction of flow of the run-off through the use of arrows, if proposed contours are not provided.
 - 3) The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - 4) Engineering calculations used to determine drainage requirements based upon the 2-, 10- and 25-year, 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
 - 5) Methods of controlling erosion and sedimentation during and after construction.
 - p. A ground water impact analysis prepared by ground water hydrologist for projects involving shared on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.
 - q. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
 - r. The location, width, typical cross-section, grades and profiles of any proposed streets and sidewalks.
 - s. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
 - t. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.
 - u. If located in the direct watershed of a great pond, a phosphorous control plan prepared in accordance with Section 5.E.8.
 - v. A copy of the approved Driveway or Entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 4, Route 117, Route 219, Center Bridge Road, Upper Street or Weston Road.
7. **Submission Waivers.** Where the Planning Board makes written findings of fact that there are special circumstances of a particular application, it

may waive portions of the submission requirements, unless otherwise indicated in this Ordinance, provided that the applicant has demonstrated that the standards of this Ordinance have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan and this Ordinance.

E. General Review Standards

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention and innovation. The Board shall approve the Development Plan unless the Board finds that the applicant has not satisfied one or more of the following criteria provided that the criteria were not first waived by the Planning Board in accordance with Subsection G.

1. **Preservation of Landscape.** The landscape will be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If the site contains a scenic site and/or view as identified in the Town of Turner Comprehensive Plan, special attempts should be made to preserve the natural environment of the skyline and view.

Environmentally sensitive areas which include wetlands, significant wildlife habitat areas of two or more contiguous acres with sustained slopes greater than 20 percent, unique natural features and archaeological sites as identified in the Town of Turner Comprehensive Plan shall be conserved to the maximum extent.

The Board shall assess the proposed activities impact upon scenic areas and views as identified in the Town of Turner Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views, the Board shall require the applicant to minimize such effects.

2. **Relation of Proposed Buildings to Environment.** Proposed structures should be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.
 - a. Architectural style is not restricted. Evaluation of the appearance of a project should be based on the quality of its design and relationship to surroundings.
 - b. Buildings should have good scale and be in harmonious conformance with permanent neighboring development.

- c. Materials should have good architectural character and shall be selected for harmony of the building with adjoining buildings.
 - d. Materials should be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
 - e. Materials should be of durable quality.
 - f. Building components, such as windows, doors and eaves, should have good proportions and relationships to one another.
 - g. Colors should be harmonious and shall use compatible accents.
 - h. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.
 - i. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.
 - j. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
 - k. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, viable siting or individual buildings may be used to prevent a monotonous appearance.
3. **Vehicular Access:** The proposed development shall provide safe vehicular access to and from public and private streets. When conflicts exist between this section and a Driveway Permit or Entrance Permit onto Route 4, Route 117, Route 219, Center Bridge Road, Upper Street or Weston Road, issued by the Maine Department of Transportation, the most stringent or restrictive shall apply. The applicant for a development to be located on a parcel of land of ten (10) acres or greater or five hundred (500) feet or more of frontage on a public street shall file a conceptual Access Master Plan with the Planning Board. The conceptual Access Master Plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, and the coordination of access into and out of the site. The conceptual Access Master Plan shall demonstrate how the requirements for access as contained in this section will be met.

After the conceptual master plan has been filed with the Planning Board, any application for approval shall be consistent with the plan unless a revised plan is filed.

- a. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Inter-sections on major access routes to the site within one half (1/2) mile of any entrance road which are functioning at a Level of Service of C or better prior to the development must function at a minimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project must not reduce the current level of service.

The geometrics of intersections that will serve the proposed development shall be of such design to provide for safe turning movements.

The Planning Board may approve a development not meeting these requirements if the applicant demonstrates improvements will be consistent with the Maine Department of Transportation Highway Design Guide, January 1994 Revision, and as may be revised and that:

- 1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
 - 2) The applicant shall assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of approval of the project.
- b. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the drivers seat of a vehicle standing on that portion of the exit driveway from distances between 10 and 15 feet behind the curbline or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

Posted Speed Limit	Sight Distance (Standard Vehicle)	Sight Distance (Larger Vehicle)
25 mph	200'	300'
30 mph	250'	375'
35 mph	305'	455'
40 mph	360'	540'
45 mph	425'	635'
50 mph	495'	740'
55 mph	570'	855'

If more than 30% of the traffic projected to use the entrance will be larger vehicles the sight distances shown in the right hand column apply. Height of the eye should be six (6) feet with height of object no more than 4.25 feet above the pavement.

- c. Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.
- d. The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street shall be a maximum of three (3) percent.
- e. The intersection of any access drive or proposed street must function at a Level of Service of C following development if the project will generate 400 or more vehicle trips per 24-hour period or a level which will allow safe access into and out of the project if less than 400 trips are generated.
- f. Projects generating 400 or more vehicle trips per 24-hour period must provide two or more separate points of vehicular access into and out of the site.
- g. Where a proposed development is to be located at the intersection of Route 4, 117 or 219 and a minor or collector road, entrance(s) to and exit(s) from the site shall be located only on the minor or collector road provided that this requirement maybe waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of the driveway on the minor or collector road would interfere with a predominately residential neighborhood.
- h. Curb cuts or access points shall be limited to one per lot for all lots with less than 200 linear feet or less of road frontage. For lots with greater than 200 feet of frontage, a maximum of one curb cut per 200 feet of frontage shall be permitted to a maximum of three, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.
- i. The maximum number of curbcuts to a particular site shall be governed by the following:
 - 1) No low volume traffic generator shall have more than one two-way access onto a single roadway.
 - 2) No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.
- j. Curb cut widths and design shall conform to the following standards:
 - 1) Low volume driveways: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of

Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:

- a) have two-way operation;
- b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
- c) not require a median;
- d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and
- e) comply with the following geometric standards:

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft)	Minimum Value (ft.)	Maximum Value (ft.)
R	15-25*	10	15-25*
W	20-30*	20	24-30*

*Upper values where major street speed and/or volume is high.

- 2) Median volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups, shall:

- a) have either two-way or one-way operation;
- b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
- c) not require a median;
- d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and
- e) comply with the following geometric standards:

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
<u>ONE WAY</u>			
R1 (radius)	30	25	40
R2 (radius)	5	5	10
W (drive width)	20	20	24
<u>TWO WAY</u>			
R	30	25	40
WD	26-36*	24	30-40*

*Where separate left and right exit lanes are desirable.

- 3) High volume driveways defined as driveways with more than 200 peak hour vehicle trips shall:
 - a) have two-way operations separated by a raised median of 6 to 10 feet in width and a 50 to 100 feet length depending upon necessary storage length for queued vehicles;
 - b) intersect with the road at an angle as close to 90 degrees as possible, but at no less than 60 degrees;
 - c) be striped for 2 to 4 lanes with each lane 12 feet wide;
 - d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;
 - e) have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume driveways; and comply with the following geometric standards:

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
<u>W/O CHANNELIZATION</u>			
R	50	30	50
R	24	20	26
W	6	6	10
<u>W/CHANNELIZATION</u>			
R	100	75	100
WD	24	20	26
M	6	6	10
WR	20	16	20

*For industrial developments with a high percentage of truck traffic maximum values are required.

- k. Driveway Spacing: Distance from edge of driveway corner (point of tangency) to edge of intersection corner (point of tangency) by type of driveway should be as follows:

Driveway	Minimum Corner Clearance (feet)	
	Intersection Signalization	Intersection Unsignalization
Low Volume <50-100 trips/day	150	50
Medium Volume >50-100 trips/day <200 trips/hour	150	50
High Volume >200 trips/hour	500	250

- l. Minimum distances between driveways serving the same parcel, measured from point of tangency to point of tangency by type of driveway, should be as follows:

Driveway Type	Minimum Spacing to Adjacent Driveway by Driveway Type		
	Medium (feet)	High w/o RT (feet)	High w/RT (feet)
Medium Volume	75		
High Volume W/O RT (without right-turn channelization)	75	150	
High Volume W/RT (with right-turn channelization)	75	250	500

- m. The minimum distance between driveway to property line, as measured from point of tangency, should be:

Driveway Type	Minimum Spacing to Property Line (ft.)
Low Volume	10
Medium Volume	20
High Volume (without right-turn channelization)	75
High Volume (with right-turn channelization)	75

For lots with shared access, the driveway may be located along the property line. The minimum spacing to property line may be varied if (1) the safest point of access to the site is closer to the property line and (2) there are at least 20 feet of separation between low volume driveways serving adjacent parcels, 40 feet of separation between medium volume driveways, and 150 feet of separation between high volume driveways.

- n. When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.
- o. When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or

relocate an existing building on the site or (b) denial of full access to Route 4, 117 or 219 where full access presently exists and cannot be provided by Route 4, 117 or 21 9 or adjacent side street.

4. Pedestrian and Trail Access

The proposed development shall provide safe pedestrian access within the project parcel and interconnection with existing facilities on abutting properties including connection and/or preservation of existing snowmobile trails with easements to maintain a multi-use trail system within the Town of Turner. To preserve these opportunities, the Planning Board may require the applicants to record easements or require conditions of approval which define future access rights between properties to accomplish the goals of the Zoning Ordinance.

5. Off-Street Parking

- a. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged.
- b. Parking areas with more than two parking spaces on all nonresidential uses shall be arranged so that it is not necessary for vehicles to back into the street.
- c. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.
- d. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. In the Village District, the Planning Board may allow the required or provided off-street parking to be located within 300 feet measured along lines of public access. Such off-lot parking areas shall be held in fee simple by the owner of the use served or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the Selectmen before the request is considered by the Board. Evidence of fee simple ownership or approved tenure shall be required.
- e. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
- f. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.

- g. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- h. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
- i. In paved parking areas, painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4 inches in width. Where double lines are used, they should be separated a minimum of 1' 0" on center.
- j. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.
- k. Bumpers or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
- l. Off-street parking spaces shall comply with the following standards:
 - 1) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
 - 2) Up to twenty (20) percent of required parking spaces may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- m. Off-street parking spaces shall be provided to conform with the number required in the following schedule.

Activity	Minimum Required Parking
Residential with 2 or more bedrooms with 1 bedroom	2 spaces per dwelling unit 1 ½ spaces per dwelling unit
Elderly Housing	1 ½ space per dwelling unit
Tourist home, boarding, lodging house, motel, hotel, inn, bed & breakfast	1 space per room/unit rental and for each employee on the largest shift
Church	1 space per three seats based upon maximum seating capacity
Schools Primary Secondary Post-Secondary	1.5 spaces per classroom 8 spaces per classroom 1 space for each student and 1 space for each faculty and staff member
Child care facility	1 space for every 4 children facility is licensed to care for
Private clubs or lodges	1 space per every 75 sq.ft. of floor space
Theater, auditoria, public assembly	1 space per three seats based upon maximum seating capacity
Funeral homes	1 space for every 100 sq.ft. of floor space
Medical care facilities	1 space for every 3 beds and every 2 employees on the maximum working shift
Offices, banks	1 space for every 150 sq.ft. of floor space
Medical offices	1 space per employee and 5 spaces per physician
Veterinarian clinic	5 spaces/veterinarian
Retail and service businesses	1 space for every 250 sq.ft. of floor space
Barber/beauty shop	3 spaces/chair
Restaurant	1 space per 3 seats based upon maximum seating capacity
Industrial businesses	1 space/employee on maximum working shift
Warehouse, wholesale	1 space/500 sq.ft. of floor area
Flea market	3 spaces/table
Mixed use	total of individual uses
Automobile repair garages and gasoline filling stations	5 spaces for each bay or area used for repair work
Library, museum, art gallery	1 space for 150 sq.ft. of floor space
Commercial recreation facility	1 space for each 100 sq.ft. of floor area
Motor vehicle sales	1 space reserved for customers per 30 vehicles displayed on the lot

NOTES:

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

6. **Surface Water.** The proposed activity will not result in undue surface water pollution. In making this determination, the Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluent.

7. **Conservation, Erosion and Sediment Control.** Erosion soil and sedimentation of water-courses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval.
 - a. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
 - c. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 - d. Disturbed soils shall be stabilized as quickly as practical.
 - e. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 - f. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 - g. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 - h. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.

- i. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
 - j. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.
8. **Phosphorous Export.** Projects proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs. Adjustments shall be made by amendment of this ordinance and the town's comprehensive plan.

	Lake Protection Level	Phosphorus Loads	Allowable Phosphorus Export Per Acre (pounds)
Bear Pond	High	2.31	0.035
Blacksnake Pond	High	0.13	0.024
Crystal Pond	High	3.04	0.035
Lake Auburn	High	3.74	0.082
Lard Pond	High	0.85	0.034
Lily Pond	High	2.16	0.039
Little Wilson Pond	High	7.27	0.031
Mud Pond ⁽¹⁾	High	8.11	0.025
Mud Pond ⁽²⁾	High	0.39	0.037
Mud Pond ⁽³⁾	High	0.39	0.042
Pleasant Pond	High	8.48	0.045
Round Pond	High	0.35	0.038
Sandy Bottom Pond	High	0.74	0.037
The Basin	High	0.13	0.020

(1) North of Little Wilson Pond
(2) Mud Pond in Buckfield
(3) North of Sandy Bottom Pond

- a. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Upon request, copies of all worksheets and calculations shall be made available to the Planning Board.
- b. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

9. **Site Conditions**

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site area shall be regularly sprayed with an environmentally safe product to control dust from construction activity.
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.
- c. Changes in elevation. No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved Site Review Plan. Any non-permitted removal of greater than 1,000 cu.yds. in a 12-month period must be approved by the Code Enforcement Officer or Planning Board according to Section 3.G.

10. **Signs:** All signs shall comply with standards set forth within this Ordinance.

11. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, plantings or other screening methods as shall reasonably be required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.

12. **Exterior Lighting.** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

13. **Emergency Vehicle Access.** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.
14. **Municipal Services.** The development will not have an unreasonable adverse impact on the municipal services including municipal roads systems, fire protection, police department, emergency medical unit, solid waste disposal, schools, open spaces, recreational programs and facilities and other municipal services and facilities. The Planning Board shall consider the input from the Town's Department Heads and Superintendent of Schools in making a determination of an unreasonable adverse impact. If the Board makes a finding of unreasonable adverse impacts, the Planning Board, as a condition of approval, may require the applicant to make or pay for required upgraded municipal services necessitated by the development.
15. **Water Supply.** The development has sufficient water available for the intended use. When the location of the water supply source will be a public water supply as defined in Title 22 M. M.R.S.A. Section 2601, its location shall not restrict the location of a subsurface sewage disposal system on adjacent parcels. If subsurface sewage disposal will be restricted, the applicant shall obtain an easement.
16. **Ground Water.** The proposed development shall not result in undue affect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas, the nature of the proposed development and its potential threat to ground water resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.
 - a. The development will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A., Section 601. If the existing ground water quality is inferior to the State Drinking Water Regulations, the development will not degrade the water quality any further.
 - b. For above ground tanks used for storage of fuels, hazardous substances, chemicals, industrial wastes and flammable or combustible liquids or other potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain 110 percent of the volume of the largest tank; roofed to prevent accumulation of rainwater in the diked area and shall be property vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Planning Board.
 - c. All above or below ground storage tank(s) used for the storage of fuels, hazardous substances, chemicals, industrial wastes and

flammable or combustible liquids shall be designed and installed in accordance with all applicable rules or standards set by the State of Maine, Maine State Fire Marshal's Office or the Maine Department of Environmental Protection.

17. **Air Emissions.** No emission of dust, ash, smoke or other particulate matter or gases and chemicals shall be allowed which can cause damage to human or animal health, vegetation or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fail to meet or cannot meet the standards set by the Maine Department of Environmental Protection.
18. **Odor Control.** The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation. For the purpose of this subsection, when land of the applicant is divided by a public way, the lot line shall not be considered to be the edge of the right-of-way.
19. **Noise.** The proposed development shall not raise noise levels to the extent that abutting or nearby residents are adversely affected.
 - a. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (leq 1) (measured in dB(a) scale)

	7 a.m.10 p.m.	10 p.m.-7 a.m.
Residential	55	45
Commercial	65	55
Industrial	70	60

- b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI 81 4-1961) "American Standard Specification for General Purpose Sound Level Meters."
- c. The following uses and activities shall be exempt from the sound pressure level regulations:
 1. Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
 2. The noises of safety signals, warning devices and emergency reassure relief valves and any other emergency activity.
 3. Traffic noise on public roads.

20. **Sewage Disposal.** The development shall provide for a suitable sewage disposal.
 - a. All individual on-site systems will be designed by a licensed soil evaluate in full compliance with the Maine Subsurface Wastewater Disposal Rules.
 - b. The Planning Board may require an analysis and evaluation including nitrate-nitrogen concentrations of the impacts of the subsurface sewage disposal system on ground water. The Planning Board shall base its determination for the need for an analysis and evaluation on density, designed flows and nature of wastewater.
21. **Waste Disposal.** The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
 - a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - b. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
22. **Buffer Areas.** No industrial or commercial buildings or uses shall be established in, or adjacent to, a residential use, or an existing agricultural use unless a landscaped buffer strip is provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to insure continuous year-round screening.
23. The applicant has adequate financial and technical capacity to meet these standards.
24. The proposed activity is in conformance with the comprehensive plan.
25. Prior to issuance of a Building Permit by the Code Enforcement Officer of any project which has received Site Plan Review approval, the applicant shall provide proof to the Code Enforcement Officer that all necessary permits required by the Natural Resource Protection Act, Site Location of Development Act and Section 404 of the Federal Water Pollution Control Act have been obtained. Such proof of permits shall be placed in the Planning Board application record.

F. Specific Standards

1. Sand and Gravel Pits

- a. Any gravel pit which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall obtain written approval from the Department of Environmental Protection and approval by the Planning Board under the Site Plan Review procedures of this Ordinance. In addition to the submissions requirements contained in Section 5.D., the application and development plan shall include items 1-15 in Section 5.F. I.e. below.
- b. Any gravel pit or mineral extraction activity which will remove more than 5,000 cubic yards of product in 12 successive months or which does not require a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall require a permit from the Planning Board. In addition to the submissions requirements contained in Section 5.D., the application and development plan shall include items 1-12 in Section 51.1.c. below.
- c. **Submission Requirements**
 1. The existing and proposed limits of excavation clearly delineated.
 2. Location, function and ground area of all structures, facilities, parking lots, roads, and mud runoff areas.
 3. Entrance and exit layout.
 4. Gates or other means for controlling access.
 5. Pre- and post-development topography using an interval of ten foot contours for pits of less than five (5) acres and no greater than 10 foot contours for pits of five (5) acres or more if deemed necessary by the Planning Board.
 6. Location of topsoil stockpile areas.
 7. Areas where natural vegetation will be left and where plantings will be made to screen the operation from view.
 8. Slopes and vegetation for protecting adjacent structures.
 9. Location of any test pits or borings and observation wells documenting the seasonal high water table.
 10. Proposed disposal method of stumps and grubblings.
 11. Plans and schedule for reclamation.

12. A spill preventing countermeasure plan to control spills of petroleum products and other hazardous materials.
 13. The phases of excavation and reclamation.
 14. Surface drainage and watersheds on parcel, pre- and post-excavation.
 15. For pits of five (5) acres or more, at least one cross section along the long axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including maximum depth of elevation, depth to ground water and the stratigraphy of the surficial deposits at the site.
- c. Review Criteria and Standards
1. A buffer strip of not less than 50 feet shall be maintained between the location of any extraction of materials and all property lines. This buffer strip may be reduced to 25 feet with written consent from abutting property owners. The Planning Board may reduce the front setback to twenty five feet from the right-of-way of a public road, if in the opinion of the Planning Board, suitable buffers and fencing are provided.
 2. Buffers may be eliminated between abutting properties containing pits provided the Planning Board is shown proof of written permission of the abutting pit owners.
 3. All petroleum products shall be kept out of the pit and no refueling or oil changes shall be conducted in the pit unless such activities comply with applicable standards promulgated by the Maine Department of Environmental Protection and a spill prevention and countermeasure plan is provided.
 4. There shall be no storage or dumping on the pit of any substances that could produce harmful leachate unless such substances are placed under cover and on impermeable, spill-proof base. Such potentially deleterious substances include, but are not limited to salt, rubbish, creosoted timber and petroleum products.
 5. No oiling of access and haul roads is permitted.
 6. No gravel shall be excavated below a position that is 2 feet above the seasonally high water table without approval of the Maine Department of Environmental Protection and the Planning Board.
 7. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could

occur under natural conditions unless a plan for such activities has been approved by the Maine Department of Environmental Protection and the Planning Board.

8. Access to the pit shall be strictly controlled.
9. All final reclaimed slopes shall not exceed a horizontal to vertical ratio of 2:1.
10. Reclamation of the pit shall not be made with any substance that could either have a harmful leachate or create an impermeable base.
11. Stumps and grubblings shall be disposed of in a manner approved by the Planning Board and in conformance with all applicable State of Maine regulations.
12. Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to collector and arterial streets. When direct access is not possible to a collector or arterial street, the Planning Board shall designate a suitable route to such a street.
13. Upon cessation of the extraction of materials or upon the expiration of the Planning Board approval, the site shall be rehabilitated in accordance with a plan approved by the Board.
14. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A, Section 480-C, no part of any extraction operation including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA, and within seventy-five (75) feet of the normal highwater line of any other water body, tributary stream, or the upland edge of a wetland as defined.

2. Ground Water Protection

- a. In addition to the standards contained in Section 5. E. 16., the following standards shall be utilized by the Planning Board for reviewing development applications located on a mapped sand and gravel aquifer.
- b. The boundaries of sand and gravel aquifers shall be as delineated on the Sand and Gravel Aquifer Map prepared by the Maine Geological Survey labeled Map 16 and identified as Open-File Report No. 85-82d, Plate 3 of 5.
- c. When the boundaries of the sand and gravel aquifer are disputed due to lack of sufficient detail on available maps, the applicant or agent may submit hydro geologic evidence prepared by a geologist certified in the State of Maine which identifies actual field locations of the

aquifer boundaries within the project area. The Planning Board may require actual field identification if they believe the Maine Geological Survey Maps are incorrect.

- d. **Hydrogeologic Study.** Based on the size, location, surrounding uses or other characteristics of the proposed use or site to determine compliance with the requirements of this section and the water quality criteria of the Site Plan Review, the Planning Board may require submittal by the applicant of a hydro geologic impact study. The impact study shall be prepared by a State of Maine Certified Geologist with experience in hydro geology. The study shall contain the following components unless waived by a specific vote of the Board.
1. A map showing: (1) soil types; (2) surficial geology on the property; (3) the recommended sites for individual subsurface waste water disposal systems and wells in the development; and (4) direction of ground water flow. (The Planning Board expects the detail of this study to vary with the intensity of the development.)
 2. The relationship of surface drainage conditions to ground water conditions.
 3. Documentation of existing ground water quality for the site.
 4. A nitrate nitrogen analysis or other contaminant analysis as applicable including calculation of levels of the property line(s) and well(s) on the property.
 5. A statement indicating the potential sources of contamination to ground water from the proposed use and recommendations on the best technologies to reduce the risks.
 6. For water intensive uses, analysis of the effects of aquifer drawdown on the quantity and quality of water available for other water supplies or potential water supplies.
 7. The Planning Board may require installation and regular sampling of water quality monitoring wells for any use or proposed use deemed to be a significant actual or potential source of pollutants or excessive drawdown. The number, location and depth of monitoring wells shall be determined as part of the hydro geologic study, and wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Water quality sample results from monitoring wells shall be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standard for pollution levels.

8. A list of assumptions made to produce the required information.

d. Conditions/Standards

In addition to the standards contained in Section 5.D. 16, the following standards shall be met:

1. No use including home occupations shall dispose of other than normal domestic waste water on-site without approval of the permit granting authority. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules and ordinances.
2. Indoor use or storage facilities where hazardous materials, wastes or other liquids with the potential to threatened ground water quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of total volume of the containers, or 110 percent of the volume of the largest container, whichever is larger.
3. Petroleum and Other Hazardous Material or Waste Transfer. A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.
4. In those areas identified as sand and gravel aquifers as defined in Section 5.F.2.b. The following land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this ordinance are met.

dry cleaners
photo processors
printers
auto washes
Laundromats
meat packers/slaughter houses
salt piles/sand-salt piles
wood preservers
leather and leather products
electrical equipment manufacturers
plastic/fiberglass fabricating
chemical reclamation facilities
industrial waste disposal/impoundment areas
landfills/dumps/transfer stations
junk and salvage yards
graveyards
chemical manufacturing

pesticide/herbicide stores
metal platers
concrete/asphalt/tar/coal companies

G. Waivers

Where the Board makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this section are not necessary to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan or this ordinance and further provided the performance standards of this ordinance have been or will be met. In granting waivers, the Planning Board shall require such conditions as will assure the purpose of these regulations are met.

SECTION 6. Administration, Enforcement and Penalties

A. Administering Bodies and Agents

1. Code Enforcement Officer
 - a. **Appointment.** A Code Enforcement Officer shall be appointed or reappointed annually by July 1st by the Municipal Officers.
 - b. **Powers and Duties.** The Code Enforcement Officer shall have the following powers and duties:
 1. Enforce the provisions of this Ordinance.
 2. Act upon permit application that the Code Enforcement Officer is authorized to approve, refer permits requiring Site Plan Review approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.
 3. Enter any property at reasonable hours with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with the laws or ordinances set forth in this section.
 4. Investigate complaints and reported violations.
 5. Keep written inspection reports and thorough records.
 6. Issue violation notices.
 7. Participate in appeals procedures.
 8. Appear in court when necessary.
 9. Confer with citizens in the administration and enforcement of this Ordinance.
2. **Planning Board.** The municipal Planning Board shall be responsible for reviewing and acting upon applications for Site Plan Review approval and as may be required by other provisions of this Ordinance. Following site plan review approval, applicants shall return to the Code Enforcement Officer for a building permit.
3. **Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of Title 30-A M.R.S.A. Section 2691.

B. Permits Required

1. After the effective date of this Ordinance, no person shall engage in any activity or use of land requiring a permit in the district in which such activity or use would occur without first obtaining a permit. Notwithstanding the issuance of a permit or permits, no person shall engage in any activity or use of land in violation of this or any other ordinance of the Town of Turner.

2. Applications for permits shall be submitted in writing. The Code Enforcement Officer or Planning Board may require the submission of information which is necessary to determine conformance with the provisions of this Ordinance.
3. All building permits for permitted uses shall be obtained from the Code Enforcement Officer.
4. No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a plumbing permit for such facilities has first been secured by the applicant or his authorized agent, according to the requirements of this Ordinance.
5. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within 60 days of receipt of a completed application, including all information required except as otherwise provided in this Ordinance.
6. All permits and approvals issued by the Planning Board or Code Enforcement Officer shall expire if a start to construction of the building or structure, or commencement of the use is not begun within two (2) years after the date on which the permit or approval was issued except as may be provided for in other sections. Upon good cause shown, the person or board issuing the original permit or approval may extend its effectiveness for an additional six months. Any permits issued prior to July 1, 1992, will have one year from the effective date of this Ordinance in which to commence building or use. After the expiration of the time periods set forth above, permits shall lapse and become void.
7. In addition to the standards contained elsewhere in the Ordinance, the Planning Board shall consider the following in the Shoreland Area as defined.
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for disposal of all wastewater,
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will avoid problems associated with flood plain development and use.
8. **Inspections.** The Planning Board or Code Enforcement Officer may require the applicant to pay for professional oversight or inspections during construction of site or building improvements proposed under this ordinance. If required, at least five (5) days prior to commencing construction, the applicant shall:

- a. Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction so that the municipal officers can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completions of improvements required by the Planning Board or Code Enforcement Officer.
- b. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.

C. Fees

All applications for a permit, appeal, variance, Site Plan Review or petition for an ordinance text or map amendment shall be accompanied by the following fee: The Selectmen, upon recommendation of the Planning Board, shall have the authority to revise the fee schedule after holding a public hearing.

1. Permits issued by Code Enforcement Officer: not requiring a building permit: \$25.00. No fee is required for a permit for Timber Harvesting in the Resource Protection District.
2. Site Plan Review: An application for site plan approval shall be accompanied by a fee of \$50.00 plus \$10.00 per 1,000 sq.ft. or portion thereof of gross floor area. For mining operations and outdoor based uses such as but not limited to parking, storage areas, cemeteries, golf course, sludge spreading, (not associated with production agriculture), septic disposal sites, recreation areas and campgrounds and for structures without floor areas such as communication towers, there shall be a fee of \$150.00. This application fee shall be paid by check payable to the Town of Turner, Maine. This fee shall not be refundable.

There shall be an additional payment of \$150.00 per 2,000 sq.ft. or portion thereof of gross floor area, parking and storage area. For mining operations and outdoor based uses such as but not limited to cemeteries, golf courses, sludge spreading, (not associated with production agriculture), septage disposal sites, recreation areas and campgrounds and for structures without floor areas such as communication towers, there shall be an additional payment of \$500.00. This portion of the application fee shall be known as the Planning Board Review Escrow Account. The initial payment into the Planning Board Review Escrow Account shall in no case exceed \$3,000.00. The monies shall be made by check payable to the Town of Turner, Maine. These funds or portion thereof may, from time to time, be used by the Town, at the request of the Planning Board, for purposes to be determined by the Planning Board in order to make payments for reasonable costs, expenses and services incurred by, or

contracted for by the Town through the Planning Board at its discretion which relates directly to the review of the Site Plan Review Application. Such services may include, but need not be limited to, consulting engineering fees, architectural fees, land use planner fees and attorney fees. All such fees must relate to the review of the application pursuant to the review criteria of the Town of Turner Ordinances and the laws of the State of Maine. If the balance in the applicant's portion of the Planning Board Review Escrow Account shall be drawn down by 75 percent, the Planning Board shall require that an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited. The Planning Board shall continue to notify and require an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited as necessary whenever the balance of the account is drawn down by 75 percent of the original deposit. The Town, at the request of the Planning Board shall refund all the remaining monies in the account upon payment of all costs and services related to the Planning Board review. Such payment of remaining monies shall be made no later than thirty (30) days after the approval of the application, denial of application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.

- 3. Permits except Site Plan Review Issued by the Planning Board: \$25.00
- 4. Administrative Appeal: \$75.00
- 5. Variance Appeal: \$75.00
- 6. Signs
 - a. Permanent Signs \$25.00
plus \$0.25 per square foot of area
 - b. Temporary Signs No fee
- 7. Zoning Ordinance Text and/or Map Amendments \$100.00
- 8. Site Plan Review Amendment for projects approved but not constructed or changes to the approved application where there will be no increase in project size. \$25.00
+ \$200.00 for Planner review
- 9. Site Plan Review Amendment for projects approved but not constructed where there will be an increase in the project size. All fees required above for the areas to be increased in size.
- 10. A change in use that involves no enlargement of structures, addition of parking area and/or outdoor storage when the new use is subject to Site Plan Review. \$100.00
+\$200.00 of Planner Review

D. Procedure for Administering Non-Site Plan Review Permits

Within 30 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 3. H., 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 or deny all permit applications in writing within 60 days of receiving a completed application. However, if the Planning Board has a waiting list of applications such approval or denial shall occur within 60 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 30 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance, and the permittee shall comply with such conditions. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

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

E. Enforcement

1. Enforcement Procedure

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision is being violated, he or she may notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it which may without limitation include discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record. The failure of the CEO to follow the notice procedure set forth in this subsection shall not prevent the Municipal Officers from taking legal action to enforce this ordinance and to pursue all available legal remedies, including without limitation, injunctive relief, fines and attorneys fees.
- b. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis,

the Code Enforcement Officer shall submit a summary of such record for the Shoreland area as defined to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

2. **Consent Agreements:** The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and collecting fines without court action.
3. **Legal Actions:** When the above action does not result in the complete correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.
4. **Fines:** Any person, including but not limited to a landowner, a landowners agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. Section 4452. Each day the violation exists shall be considered a separate violation.

SECTION 7. Appeals

A. Establishment

A Board of Appeals is hereby created in accordance with the provisions of Title 30-A, M.R.S.A. Section 2691. The Board of Appeals shall keep minutes of its proceedings, recording the vote of each member on all matters coming before the Board. The minutes of the Board, and all correspondence, shall be a public record. Three members of the Board shall constitute a quorum for conducting a meeting and taking action.

B. Powers and Duties

1. **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

2. **Variance Appeals:** To authorize variances upon appeal within the limitations set forth in this Ordinance.
 - a. Dimensional variances may be granted only from dimensional requirements including but not limited to frontage (including shore frontage), lot area, lot width, height, percent of lot coverage, impervious surfaces and setback requirements.

- b. Variances shall not be granted for establishment of any use.
- c. The Board shall not grant a variance unless it finds that:
 - 1) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the nonconformity and from which relief is sought; and
 - 2) The applicant has proved to the Board that strict application of the terms of this Ordinance would result in undue hardship.

To prove "undue hardship" the applicant must prove all of the following:

- i) That the land in question cannot Yield a reasonable return unless a variance is granted;
 - ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - iii) That the granting of a variance will not alter the essential character of the locality; and
 - iv) That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling 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 without limitation 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 property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance and all subsequent owners or occupants shall comply with any conditions imposed.

- 3. **Setback Reduction Appeals:** To hear and decide upon appeal in specific cases for a reduction from the standard setback requirements for

residential uses and their accessory structures. The Board may reduce setbacks as authorized by Subsection 7.B.3.j.(1-6) of this section, provided that the Board finds that the appeal meets the requirements stated below. If that criteria is not met, a variance under Section 7.B.2. may be requested.

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

- a. The setback reduction will not encroach upon or further reduce a non-conforming setback from the normal high water mark of the shoreland area as defined;
- b. The lot in question was created before the effective date of this ordinance as evidenced by a recorded deed or subdivision plan;
- c. The lot is in single-family residential use or within a district where single family use is permitted and is the primary year-round residence of the applicant;
- d. The setback reduction will not allow construction or renovation which will create additional new dwelling units;
- e. The setback reduction is due to the unique circumstances of the property and not the general conditions in the neighborhood;
- f. The setback reduction will not alter the essential character of the locality;
- g. The hardship is not the result of action taken by the applicant or a prior owner;
- h. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- i. That the granting of a set back reduction is based upon demonstrated need, not convenience, and no other feasible alternative is available.
- j. Setback reductions shall be subject to the following:
 - 1) The maximum encroachment areas for garage, decks, additions and swimming pool structures in front, side or rear yards shall be:

Front: 30 percent
Side: 30 percent
Rear: 30 percent

- 2) A detached garage shall be no more than one story in height, not to exceed 20 feet in height, and shall contain no habitable living space.
- 3) There shall be no more than one garage per lot which does not meet setback requirements.
- 4) The addition shall not allow the creation of more than one (1) kitchen in any dwelling.
- 5) Any addition which extends the footprint of the principal structure must not exceed the height of the principal structure except where the principal structure height is also increased as part of the addition project to the same height as the addition.
- 6) Only one setback reduction shall be allowed per lot after the effective date of this Ordinance. Whenever the Board grants a setback reduction under this section, a certificate indicating the name of the current property owner identifying the property by reference to the last recorded deed in the chain of title indicating the fact that a setback reduction including any conditions on the setback has been granted and the date of the granting shall be prepared in a recordable form and shall be recorded by the applicant in the Androscoggin County Registry of Deeds within 90 days of final approval or the setback reduction shall be void. No rights may accrue to the setback reduction recipient or his/her heirs, successors or assigns unless and until the recording is made within 90 days.

C. Appeal Procedure

1. **Time Limit:** An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board subject to the jurisdictional limits set forth elsewhere in this ordinance. Such appeal shall be taken within 30 days of the date of the decision.
2. **Written Notice:** Such appeal shall be made by filing with the Chairman of the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why it should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief requested.

3. **Record of Case:** Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4. **Public Hearing:** The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
5. Decision by Board of Appeals
 - a. **Quorum:** A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - b. **Majority Vote:** The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter which it is required to decide under this Ordinance, or to effect any variation in the application of this Ordinance from its stated terms.
 - c. **Burden of Proof.** The person filing the appeal shall have the burden of proof.
 - d. **Action of Appeal:** Following the public hearing on an appeal, the Board may affirm, affirm with conditions, remand, or reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
 - e. **Time Frame:** The Board shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.
 - f. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.
 - g. Shoreland Area Variances: The following shall be undertaken when the Board of Appeals receives a request for variance in the Shoreland Area.
 - 1) A copy of the variance application and all supporting information provided by the applicant shall be mailed to the Commissioner of the Department of Environmental Protection by the Code Enforcement Officer at least twenty (20) days prior to action by the Board of Appeals.
 - 2) Any comments received from the Commissioner of the Department of Environmental Protection, prior to final action,

shall be made part of the variance record and considered by the Board of Appeals.

6. **Appeal to Superior Court:** An appeal may be taken by any aggrieved party to Superior Court in accordance with State laws within 45 days from the date of any decision of the Board of Appeals.
7. **Reconsideration:** The Board of Appeals may reconsider any decision reached within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.
8. All variances granted shall be recorded by the applicant in the Registry of Deeds as required by Title 30-A M.R.S.A. Section 4353.5. Any variance not so recorded shall be void.
9. A copy of all variances granted within the shoreland area as defined by the Board of Appeals shall be submitted by the Code Enforcement Officer to the Department of Environmental Protection within fourteen (14) days of the decision.

SECTION 8. Definitions

A. Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the various ordinances shall have the meaning implied by their context or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Code and any map, illustration or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The words "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the word "plot" and "parcel."

The word "structure" includes the word "building."

The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "Town" or "municipality" means the Town of Turner, Maine.

Abandoned Activity, Use, or Business: An activity, use, or business (1) that has stopped, and (2) from which the major portion of the materials, goods, equipment, or facilities necessary for its operation has been removed.

Accessory Structure or Use: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

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

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

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

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

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

Airport: An area of land or water that is used or intended to be used commercially for the landing and takeoff of aircraft and includes its buildings and facilities, if any. This definition is not intended to include private landing strips used for ultra light aircrafts or personal planes associated with a residential use or agricultural use.

Alteration: Any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders or in the use of a building.

The term shall include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

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

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Antenna: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

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

Area of a Shallow Flooding: Means a designated AO and AH zone on the Town's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Means the land in the floodplain having a one percent or greater chance of flooding in any given year.

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

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

Auto Repair: An establishment primarily engaged in major maintenance and repair of automobiles. Maintenance and repair include but not limited to engine overhauls, transmission repair brake work and the like.

Auto Sales: An establishment primarily engaged in the sale of new or used automobiles together with accessory repair and service facilities which are incidental to the sales operation.

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

Automobile Graveyard: A place where three or more unregistered, unserviceable, discarded, worn-out or junked automotive vehicles, or bodies, or engines thereof are gathered together and may include the sale of used vehicles.

Automobile Recycling: A premise of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage for the purpose of resale or for the selling the basic materials in the salvage vehicles, provided that eighty (80) percent of the business premises as defined in Title 30-A M.R.S.A. Section 3755, subsection 1, paragraph C, is used for automobile recycling operations.

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

Back Lot: Any lot or parcel of land that does not have frontage on a public road or privately-owned street meeting the standards contained in Section VI.H. of the Town of Turner Street Construction Ordinance or lacks the minimum frontage as required under Section 3.I of this Ordinance.

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

Basal Area: The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year, called the 100-year flood.

Basement: Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than 50% of its volume below the existing ground level.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

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

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

Breakaway Wall: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Breeder Barn: A barn which houses more than 200 mature hens and roosters for the purpose of production of fertilized hatchery eggs.

Brooder Barn: A barn used for the raising of more than 200 chickens prior to reaching egg laying age.

Building Coverage Ratio: The ratio derived by dividing the area covered by building(s) by the area of the lot.

Building Envelope: That portion of the lot located within the prescribed front-, rear- and side-yard setback distances.

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

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

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

Campground: Land upon which one or more tents are erected or trailers are parked for temporary family recreational use for a fee on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground" and "tenting grounds."

Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

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

Cemetery: Property used for the interring of the dead.

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

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

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

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

Club: Any voluntary association of persons organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities, especially a clubhouse, are open to members and guests only and not the general public; and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities and social clubs generally.

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

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

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce this code.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets and collectors of traffic from minor streets.

Colocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commercial Composting: The processing and sale of more than 1,000 cubic yards of compost per year.

Commercial Hazardous Waste Facility: As defined in 38, M. M.R.S.A., Section 1303 as may be amended.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet and tennis clubs, health facility, amusement parks, gymnasiums and swimming pools, sporting/recreational facilities and bowling alleys but not including amusement facilities, as defined herein.

Commercial School: An institution which is operated for profit, but is not authorized by the State to award baccalaureate or higher degrees, which offers classes in various skills, trades, professions or fields of knowledge.

Commercial Telecommunications Tower and Related Facilities: Any structure, antenna, tower, or other device which provides to the public for a fee radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services and personal communications service (PCS) or pager services. This definition does not include ham radio towers/antenna, or towers/antenna used to provide communication for a single business.

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

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

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

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

Comprehensive Plan: Comprehensive plan means a document or interrelated documents containing the elements established under Title 30-A, M.R.S.A. Section 4326, subsection 1 to 4, including the strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

Confined Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas. For the purpose of this definition, breeder and brooder barns are not considered confined feeding operations.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of this Ordinance.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification

standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes.

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

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

Day Camp: Homes and centers licensed as such by the Maine Department of Human Services.

DBH: The diameter of a standing tree measured 4.5 feet from ground level.

Demolition/Waste Disposal: A facility including a landfill operated by a public, quasi-public or private entity which purpose is to dispose of useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

Density: The number of dwelling units per area of land.

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

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

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

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

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

Disability: Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a psychologist as well as any other

health or sensory impairment which requires special education, vocational rehabilitation or related services.

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

Driveway (Shoreland Zoning): A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Duplex: A building containing only two dwelling units for occupation by not more than two families.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. **Single-family Dwelling:** Any structure containing only one dwelling unit for occupation by not more than one family.
2. **Multi-family Dwellings:** A building containing three or more dwelling units such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities but not including transient lodging facilities such as motels, hotels, inns, bed and breakfasts, rental cabins, boarding houses and tourist homes.

"ECHO" Unit: A small (not more than 560 square feet of living space) residential structure placed or constructed to the side or rear of an existing single family dwelling to be occupied by one or two people who are (a) age is 62 or older or (b) disabled, who are related by birth, marriage, or adoption to the occupants of one principal residence, and who benefit from living close to the family.

Elderly Housing: A multi unit (three or more dwelling units per structure) development where each dwelling unit is occupied by only persons 62 years of age or older (or in the case of couples at least one of the two persons shall be 62 years of age or older) and/or handicapped persons as a residential living environment with other persons 62 years of age or older and/or handicapped persons. Each dwelling unit will be designed to meet the minimum standards for State and Federal elderly accessibility requirements.

Elevated Buildings: Means a nonbasement building (i) built, in the case of a building in Zones AI -30, AE, A, A99, AO, or AH, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts"; and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, or AH, "elevated building" also includes a building elevated by means of fill or solid

foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate: An official form (FEMA Form 81-31, 10/87, as amended) that (i) is used to verify compliance with the floodplain regulations of the National Flood Insurance Program; and, (ii) is required for purchasing flood insurance.

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

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

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

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

FAA: The Federal Aviation Administration, or its lawful successor.

Fall Zone: The distance from the base of a tower that a tower would fall should a catastrophic failure occur.

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

Farm Labor Housing: Dwelling units solely occupied by employees and their families, intended to provide housing for help required to carry out agricultural uses and located on the farm itself.

Farm Enterprise: A use of land or structures intended to supplement the income of farm owners that is compatible with agricultural uses but may not normally be allowed under the current zoning designation of the land.

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

FCC: The Federal Communications Commission, or its lawful successor.

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

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

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

Flood or Flooding: Means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; and
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

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

Flood Insurance Rate Map (FIRM): Means an official map or a community on which the administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: See "Flood Elevation Study."

Floodplain or Flood Prone Area: Means land areas susceptible to being inundated by water from any source (see "flooding").

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

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

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

Floodway: See regulatory floodway.

Floodway Encroachment Lines: Mean the lines marking the limits of floodway on federal, state and local floodplain maps.

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

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

Forested Wetlands: Freshwater wetland dominated by woody vegetation that is six meters (approximately 19.7 feet) tall or taller.

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

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

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

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

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas which are:

1. of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.
3. This definition does not include forested wetlands.

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

Should the definition of freshwater wetland be amended by statute or rule, this definition shall be deemed amended to correspond to that statute or rule.

Frontage, Road: The linear distance between the sidelines of a lot measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, excluding recreational boat storage, waterfront dock facilities, boat yards and boat building facilities, navigation aides, retaining walls, industrial uses requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site.

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

Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

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

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Gravel Pit: See mineral extraction.

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Group Home: A housing facility for mentally handicapped or developmentally disabled persons which is approved, authorized, certified or licensed by the State. A group home may include a community living facility, foster home or intermediate care facility.

Hazardous Waste: As defined in 38 M.R.S.A. Section 1303 as may be amended.

Heavy Manufacturing: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials.

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

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

Historic Structure: Means any structure that is:

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

Home Occupation: An occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure.

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

Hotel/Motel: A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Increase in the Nonconformity of a Structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase the

nonconformity. For example, there is no increase in nonconformity if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms. The term individual private camp site does not include sites used by property owners for infrequent cook-outs or "camping out."

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

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

Industrial Use, Heavy: The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial Use, Light: The use of real estate, building or structure, or any portion thereof, which main processes involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Junkyard: A visible yard, field or other area used as place for storage and/or sale of the following:

1. discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. discarded, scrap and junked lumber; and
3. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material.

Kennel: An establishment in which more than four dogs or four cats are sold, housed, bred, boarded or trained for a fee.

Land Management Road: Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Landscape Ratio: The area of land devoted to pervious landscaping divided by the area of lot.

Level of Service: a description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of

the Highway Capacity Manual, 1985 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A with free traffic flow and no delays to Level of Service F with forced flow and congestion resulting in complete failure of the roadway.

Larger Vehicle: A vehicle that has a larger length, width, or turning radius and/or lesser acceleration capability than standard passenger vehicles or pickup trucks, including busses, commercial trucks, and recreational vehicles.

Light Manufacturing: A use engaged in the manufacture, predominantly only from previously prepared materials, of finished products or parts, processing, fabrication, assembly, packaging, incidental storage, sales and distribution of such products.

Line of Sight: The direct view of the object from the designated scenic resource.

Locally Established Datum: Means, for purposes of this code, an elevation established for a specific site to which all other elevations at the site are referenced. The National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines.

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

Lot, Coverage: The percentage of a lot covered by all buildings, parking areas and impervious services.

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

1. **Front Lot Line:** Interior lots: the line separating the lot from a street or right-of-way. Corner lot or through lot; the line separating the lot from either street or right-of-way.
2. **Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line at least dimension.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

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

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Androscoggin County Registry of Deeds on or before July 12, 1993, or other date set forth in the specific regulations of this Ordinance.

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

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

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Lowest Floor: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Article VI. of this code.

Manufactured Housing/Mobile Home Unit: Means structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in 30-A M.R.S.A. section 4358(l).

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

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 equipment, boat and tackle shops, and fuel service facilities.

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

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

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

Mineral Extraction: Any operation within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Minimum Lot Width: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Minor Street: A street with average daily traffic of less than 200 vehicles per day.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Turner Planning Board pursuant to the Town of Turner Subdivision Ordinance and Mobile Home Park Ordinance for the placement of three (3) or more mobile homes.

Mobile Home Park Lot: Mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

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

Native: Indigenous to the local forests.

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

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

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

New Construction: Means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

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

Nonconforming Sign: Any sign that does not conform to the requirements of this Ordinance.

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

Nonconforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Nonhabituated Accessory Structure: A structure which is incidental and subordinate to the principal use or structure which is not considered a dwelling unit.

Normal High-Water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers 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 during the period of normal high-water are considered part of the river.

Nursing Home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Open Space Development: A subdivision in which the dimensional requirements are reduced below those normally required in return for permanently preserved open space.

Park Model Mobile Home: Recreational vehicles primarily designed as living quarters for recreation, camping or seasonal use. They are built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the set-up mode.

Parks and Recreation: Recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, restrooms, bath houses and the maintenance of such land and facilities. The term shall not include campgrounds or commercial recreation and amusement centers.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string usually in series, designed to move in the wind.

Permitted Use: Uses which are listed as permitted uses in the various districts set forth in this Code. The term shall not include prohibited uses.

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

Piers, Docks, Wharfs, Bridges and Other Structures and uses extending over or beyond the normal high-water line or within a wetland:

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

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

Planned Unit Development: A planned unit development is a mixed-use land development which is developed under unified management; is planned as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, open space and preserved natural features, recreational facilities, and design principles for proposed buildings; that may be developed in clearly identified stages; and provides for the operation and maintenance of common facilities.

Planning Board: The planning board of the Town of Turner.

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

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

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

Private Common Docking Facility: Privately owned piers, docks, wharfs, moorings or other structures extending over or below the normal high water line the use of which is intended for the docking and or securing of watercraft for more than one residential dwelling unit, family unit or other legal entity.

Privately-Owned Street: A residential street meeting the standards contained in Section VI.H. of the Town of Turner Street Construction Ordinance not including a street serving a mobile home park which is not intended to be dedicated as a public way.

Professional Engineer: A professional engineer, registered in the State of Maine.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Public and Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

Public Docking Facility: Publicly owned piers, docks, wharfs, moorings or other structures extending over or below the normal high water line the use of which is intended for the docking and or securing of watercraft.

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

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public. Public Utility shall not include commercial communication towers and related facilities.

Quarry: A place where stone is excavated from rock.

Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

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

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

Reconstructed: The rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

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

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

Regulatory Floodway: Means:

1. the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
2. in Zone A is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Rental Cabin/Structure: Any structure or room or group of rooms inhabited by a person or persons who pay some form of monetary compensation to the owner of the structure or to the primary occupant of the structure or room/rooms.

Repair: to take necessary action to fix normal damage or storm damage.

Replacement System: A system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

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

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

Restaurant: An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take-out food or beverage for consumption outside the enclosed building.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines including land transactions by the subdivider not indicated on the approved plan.

Retail Business: A business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

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

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

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

Road (Shoreland Area): For the purpose of the performance standards of Section 4.T. of this Ordinance, 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. This definition is intended to expand the applicability of the performance standards applicable to the shoreland area and not to change the road frontage requirements under Section 3 of this Ordinance or to permit substandard roads to be used to meet frontage requirements.

Roof Sign: Any sign erected and constructed wholly on and over the roof a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sand and Gravel Pit: See mineral extraction.

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven months of the year and not the principal residence of the owner.

Service Business: Establishments engaged in providing services for individuals and businesses such as laundries, beauty shops, barbershop, advertising and equipment leasing.

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

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

Setback, Front: The minimum horizontal distance measured from the front line of the property or the sideline of the street, whichever is closer to the nearest part of a building, including porches, steps and railings.

Setback (Shoreland Zoning): The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Setback, Rear: The minimum horizontal distance measured from the rear or back property line to the nearest part of a building, including porches, steps and railings.

Setback, Side: The minimum horizontal distance measured from the side property line to the nearest part of a building, including porches, steps and railings.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

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.

Shorefront Common Area: Any land area having shoreline frontage on any water body regulated by this ordinance and intended for use by more than one residential dwelling unit or family unit or other legal entity, excluding visitors and guests. This definition shall also include areas for which easements, rights of way, or other use rights are granted or sold.

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

Shoreline: The normal high-water line, or upland edge of a freshwater wetland.

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind of the public.

Significant Scenic View Locations: Points where scenic views can be accessed as identified in the Turner Comprehensive Plan.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

Skid Trail: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash: The residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream (Shoreland Area): 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 Zone or flows to another water body or wetland within the shoreland area.

Stream, River or Brook: River, stream or brook means a channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock.

Street: Public and private ways such as alleys, avenues, highways, roads and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways, farm roads or logging roads.

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.

Structure (Floodplain Management Ordinance): Means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Subdivision: The division of a tract or parcel of land into three or more lots as defined by State law and in addition shall include developments where there are three or more units involved such as mobile home parks, multiple family housing, apartment houses, multiple housing units, mini malls, shopping plazas, business complexes, condominiums, shopping centers and industrial parks.

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

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of

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

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

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

Swimming Pool: A body of water in an artificial receptacle or other container, whether in the ground or above the ground, used or intended to be used for swimming or bathing and designed for a water depth of thirty-eight (38) inches or more.

Temporary Movable Sign: Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid well, frame or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 4.T.12, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Tract, or Parcel, of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

Tributary Stream (Shoreland Area): A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Trucking/Distribution Terminal: An establishment primarily engaged in furnishing trucking or transfer services with or without storage.

Undue Hardship: As used in the code, the words "undue hardship" shall mean all of the following:

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

2. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. that the granting of a variance will not alter the essential character of the locality; and
4. that the hardship is not the result of action taken by the applicant or a prior owner.

A variance is not justified unless all elements are present in the case.

Upland edge of a wetland: The boundary between upland and wetland. 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 woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

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

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

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

Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warehousing/Storage: The storage of goods, wares and merchandise in a warehouse.

Water Body: Any great pond, river, stream.

Water Crossing: Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water course or wetland. 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. This definition includes crossings for timber harvesting equipment and related activities.

Wetland: A freshwater wetlands.

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.

Wetlands Associated with Great Ponds and Rivers: 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.

Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Wholesale Business: The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm or professional business users or other wholesalers as distinguish from the sale to the general public.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Yard: An open, landscaped area adjacent to the property line which is not and may not be occupied by buildings, structures, parking lots, storage or similar uses. Access roads or drives and sidewalks may be located to allow vehicular and pedestrian traffic to cross yard areas.

Yard Sale: So-called garage sales, porch sales, tag sales and the like occurring for not more than five (5) days per month. Goods, even those protected by temporary cover, shall not be visible from public or adjacent private property at any time other than at the time of the yard sale. Yard sales exceeding this definition shall be considered home occupations or commercial use and require review and approval by the Code Enforcement Officer or Planning Board.

Amended: April 7, 2001

Amended: April 6, 2002

Amended: April 5, 2003

Amended: April 3, 2004

Amended: April 8, 2006

Amended: April 5, 2008

Amended: April 4, 2009