

**CHAPTER 5 - LAND ZONING STANDARDS**

**501 SHORT TITLE** - This Chapter shall be known and may be cited as the “Land Zoning Standards for the Town of Poland, Maine.”

**502 PURPOSE AND APPLICABILITY**

**502.1 Purpose** - The purpose of this Chapter is to promote the health, safety, and general welfare of the residents of the Town of Poland, Maine; to encourage the most appropriate use of land throughout the Town by controlling building sites, placement of structures, and land uses; to promote traffic safety and safety from fire and other elements; provide adequate light and air; prevent overcrowding of real estate; to promote a wholesome home environment; prevent housing development in unsanitary areas; provide an adequate street system and public services; promote the coordinated development of unbuilt areas; encourage the formation of community units; provide an allotment of land area in new developments sufficient for all requirements of community life; to conserve natural resources; prevent and control water pollution; protect spawning grounds, fish, aquatic life, birds, and other wildlife habitat; and conserve shore cover, visual as well as actual points of access to inland areas, especially on flood prone areas and shores unsuitable for development.

These Standards do not grant any property rights; they do not authorize any person to trespass, infringe upon or injure the property of another; and they do not excuse any person of the necessity to comply with other applicable laws and regulations.

**502.2 Applicability** - The provisions of this Chapter shall apply to all land and water areas within the Town of Poland.

**503 OFFICIAL LAND ZONING DISTRICT MAP**

**503.1 Official Land Zoning District Map** - The areas to which this Chapter is applicable are hereby divided into the following districts, as shown on the Official Poland Land Zoning District Map that is made part of this Chapter.

- |  |                                 |   |  |   |   |   |  |
|--|---------------------------------|---|--|---|---|---|--|
| <p>A. Village Districts</p> <ul style="list-style-type: none"> <li>1. Village District 1 (V-1)</li> <li>2. Village District 2 (V-2)</li> <li>3. Village District 3 (V-3)</li> <li>4. Village District 4 (V-4)<sup>155</sup></li> </ul> | <p>B. Historic District (H)</p> | <p>C. Rural Residential Districts</p> <ul style="list-style-type: none"> <li>1. Rural Residential District 1 (R-1)</li> <li>2. Rural Residential District 2 (R-2)</li> <li>3. Rural Residential District 3 (R-3)</li> </ul> | <p>D. Farm and Forest Districts</p> <ul style="list-style-type: none"> <li>1. Farm and Forest District (FF)</li> </ul> | <p>E. General Purpose Districts</p> <ul style="list-style-type: none"> <li>1. General Purpose District 1 (G-1)</li> <li>2. General Purpose District 2 (G-2)</li> <li>3. General Purpose District 3 (G-3)</li> </ul> | <p>F. Limited Residential District (LR)</p> | <p>G. Resource Protection District (RP)</p> | <p>H. Aquifer Protection Overlay District (AP)</p> |
|--|---------------------------------|---|--|---|---|---|--|

**503.2 Scale of Map** - The Official Land Zoning District Map shall be drawn at a scale not less than one (1) inch equals two thousand (2,000) feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

**503.3 Certification of the Official Land Zoning District Map** - The Official Land Zoning District Map shall be dated and certified by the attested signature of the Town Clerk and shall be located in the Town Office.

**503.4 Changes to the Official Land Zoning District Map** - If amendments are made in the district boundaries or other matters portrayed on the Official Land Zoning District Map, such changes shall be made on the Official Land Zoning District Map within thirty (30) days of the Town Meeting at which such

amendments were enacted.

If amendments are made in the district boundaries or other matters portrayed on the Official Land Zoning District Map that are located in the Shoreland Area as defined, such changes shall be made on the Official Land Zoning District Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

**503.5 Interpretation of District Boundaries** - Unless otherwise set forth on the Official Land Zoning District Map, district boundary lines are property lines, the centerline of streets, roads and rights of way. The boundaries of Shoreland Areas as defined shall follow such shorelines, and in the event of change in the shoreline it shall be construed as moving with the actual shore lines. Where uncertainty exists as to the exact location of district boundary lines, the Poland Board of Appeals shall be the final authority as to the location.

Sources of the exact delineation of the Aquifer Protection Overlay District shall be as delineated on the (Gray, Mechanic Falls, Minot and Raymond Quadrangle Significant Sand and Gravel Aquifer Maps, published by the Maine Geological Survey, and as amended by vote of the Board of Appeals). If the official boundaries of the Aquifer Protection Overlay District are disputed due to lack of sufficient detail on the available maps, the landowner or agent may submit hydrogeologic evidence that identifies actual field locations of the aquifer boundaries within the project area to support any claim. The evidence shall be prepared by a State of Maine certified Geologist with expertise in hydrogeology. The Poland Board of Appeals shall be the final authority as to boundary location.<sup>18</sup>

**503.6 Lots Divided by District Boundary Line** - Where a Zoning District Boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Code, the regulations applicable to the less restricted portion of the lot, except in the Shoreland Districts, may be extended not more than fifty (50) feet into the more restrictive portion of the lot.

**503.7 Lots Abutting the Village 4 District** - If a lot within the V-4 is improved in compliance with section 508.30<sup>19</sup>.D and any other applicable provisions of the Comprehensive Land Use Code, and parcel outside of the V-4 in the same ownership that directly abuts such lot may be treated as if it were entirely within the V-4<sup>156</sup>

## 504 NON-CONFORMANCE

**504.1 Purpose** - It is the intent of this Chapter to promote land use conformities, except that legal nonconforming conditions that existed before the effective date of this Chapter shall be allowed to continue, subject to the requirements set forth in this Section.

### 504.2 General

- A. Transfer of Ownership - Legal nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Code.
- B. Repair and Maintenance - This Chapter allows the normal upkeep and maintenance of legal 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, and local building and safety Codes may require. Such repair and maintenance shall comply with the Town of Poland Building Code.

### 504.3 Nonconforming Structures

<sup>18</sup> Amended 04/06/2013

<sup>19</sup> Amended 04/05/2014

- A. Expansions - All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 508.27.B.1. A legal 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. Should the expansion of the nonconforming structure require Site Plan Review, approval shall be obtained prior to any expansion.<sup>20</sup>

Further Limitations:

1. Legally existing nonconforming 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 applicable standards contained in this Code are met.
  - a. Expansion of any portion of a structure within twenty-five (25) feet 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.
  - b. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 504.3.A.<sup>21</sup>
    - i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
  - c. All other legally existing nonconforming 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 other applicable municipal land use standards are met and the expansion is not prohibited by Section 504.3.A or Section 504.3.A.1.a, above.<sup>22</sup>
    - i. For structures located less than seventy-five (75) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or thirty (30%) percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than twenty (20) feet or the height of the existing structure, whichever is greater.
    - ii. For structures located less than one hundred (100) feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or thirty (30%) percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than twenty-five (25) feet or the height of the existing structure, whichever is greater. Any portion of those structures located

<sup>20</sup> Amended 4-2-2016

<sup>21</sup> Added 4-2-2016

<sup>22</sup> Added 4-27-2002;4-04-2009, Amended 4-2-2016

less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 504.3.A.1.a.i and Section 504.3.A.1.c.i. above.

- iii. In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than two hundred fifty (250) feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or thirty (30%) percent larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than twenty-five (25) feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than seventy-five (75) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 504.3.A.1.a.i and Section 504.3.A.1.c.i. above.
  - d. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within ninety (90) days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the Shoreland zone boundary and evidence of approval by the municipal review authority.<sup>23</sup>
2. 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.
- B. Foundations - Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure the new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 504.3.C, Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the height of a structure to be elevated by more than three (3) additional feet above the height of the structure as measured before the addition of a foundation.<sup>24</sup>
- C. Relocation - A nonconforming structure may be relocated within the boundaries of a parcel on which the structure is located provided that the site of relocation conforms to all setbacks requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface wastewater disposal system meets the requirement of the State law and State of Maine Subsurface Wastewater Disposal Rules, or that a new system will 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 and that any foundation does not cause the height of a structure to be elevated by more than three (3) additional feet above the height of the structure as measured before the addition of a foundation.
1. In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board, or its designee, shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on the adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When determining the setback to the greatest practical extent the Planning Board may allow for

<sup>23</sup> Added 4-2-2016

<sup>24</sup> Amended 4-2-2016

reduced setbacks from front and side lines in conformance with Section 504.3.E. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:<sup>25</sup>

- 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 (5) trees are planted, no one species of tree shall make up more than fifty percent (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 areas where vegetation and/or ground cover was disturbed, damaged, or removed must be re-established 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.<sup>26</sup>

2. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
  3. No existing structure may be relocated, even on a temporary basis or during construction, closer to the high water mark or wetlands than where it sits prior to relocation.<sup>18</sup>
- D. Reconstruction or Replacement - In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.<sup>18</sup>

#### 1. Structures in Shoreland Zoning Districts

- a. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is damaged or destroyed, regardless of cause, by more than fifty percent (50%) of the market value of the structure before such damage or destruction, may be reconstructed or replaced provided a permit is obtained within one (1) year of the date of damage or destruction, and provided such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purpose of this Code. When determining the setback to the greatest practical extent the Planning Board may allow for reduced setbacks from front and side lines in conformance with Section 504.3.E.<sup>27</sup>

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 504.3.A above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 504.3.C above.<sup>28</sup>

In determining whether the building reconstruction or replacement meets the water setback to

<sup>25</sup> Amended 04-06-2013

<sup>26</sup> Amended 4-04-2009

<sup>27</sup> Amended 04/06/2013

<sup>28</sup> Amended 4-2-2016

the greatest practical extent, the Planning Board, or its designee shall consider, in addition to the criteria in Section 504.3.C (Relocation) above, the physical condition and type of foundation present, if any. In addition, the provisions of Chapter 7, Floodplain Management Standards, shall be met.<sup>18</sup>

- b. Any nonconforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland which is damaged by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place to its pre-damaged condition with a permit from the Code Enforcement Officer. Permits shall be obtained within one (1) year of the date of said damage.

## 2. Structures outside Shoreland Zoning District

- a. Any nonconforming structure which is damaged or destroyed by more than fifty percent (50%) of the market value of the structure, excluding normal maintenance and repair may be reconstructed after a permit is obtained for the structure(s) from the Code Enforcement Officer within one (1) year of said damage or destruction, and the damaged structure(s) shall comply with all setback requirements. In addition, the provisions of Chapter 7, Floodplain Management Standards, shall be met.
- b. Any nonconforming structure, damaged by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be rebuilt provided a permit shall be obtained within one (1) year of the date of said damage. In addition, the provisions of Chapter 7, Floodplain Management Standards, shall be met.

D. Change of Use of a Nonconforming Structure - The use of a legal nonconforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact as defined in Section 504.4.A. paragraphs 1 through 8 below.

## E. Planning Board Special Review for a Legal Non-Conforming Single-Family Dwelling Located in a Shoreland Zoning District.<sup>29</sup>

- 1. For applications to relocate, replace or reconstruct a legal nonconforming, single-family dwelling located in any Shoreland Zoning District, which does not legally meet the minimum lot size requirements in that district in effect at the time of the application, the Planning Board may use this section to determine that the structure location meets a protected resource setback to the greatest practical extent.
- 2. This Section shall apply only when the Planning Board determines that:<sup>30</sup>
  - a. The applicant cannot relocate, reconstruct or replace the existing footprint of the structure and meet the setback requirements from both the resource being protected (i.e., pond, stream, wetland, etc.), and the front and the side lot lines;
  - b. It is more important from the perspective of protecting the resource that the dwelling meets the setback from the resource than the setback from the front or side lot lines; and,
  - c. The dimensions of the lot are adequate to meet the setback requirements between the dwelling's well and its wastewater disposal system as required by the Maine State Plumbing Code.

<sup>29</sup> Amended 04/06/2013

<sup>30</sup> Amended 4-2-2016

If the Planning Board makes the determinations described in paragraph 2 above, then it may reduce the setback requirement from the side lot line to no less than twenty feet (20'), and from the front lot line to no less than twenty feet (20') from the road right-of-way, or if the road is not a defined right-of-way or the roadway is not centered in the right-of-way the setback may be reduced by twenty feet (25') measured along the centerline of the traveled way.

#### 504.4 Nonconforming Uses

- A. Expansions - Expansion of legal nonconforming uses not to exceed fifty percent (50%), from the date the use became nonconforming, of the total floor area of all structures and/or impervious surfaces and/or storage areas for the lifetime of any nonconforming use on the property, 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 below:
1. That the proposed expansion/change of use will not create a traffic hazard nor increase an existing traffic hazard;
  2. 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 this Code;
  3. That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed expansion/change of use shall be equal to or less than the present use;
  4. That the rate of surface water run-off from the site will not be increased;
  5. That the hours of operation of the expansion/change of use will be compatible with the existing surrounding land uses;
  6. That the proposed expansion/change of use will not increase the adverse impact on surrounding properties;
  7. That the expansion/change of use of the nonconforming use will not encroach further on the required setbacks;
  8. Should the expansion/change of use of the nonconforming use require Site Plan Review, approval shall be obtained prior to any expansion/change of use;
  9. Notwithstanding Paragraphs 1 through 8, above, a residential structure located in the General Purpose Districts may be expanded without Planning Board review provided such expansion complies with all other applicable standards of this Code; and
  10. An accessory structure to a nonconforming residential use may be allowed provided such accessory structure complies with all other applicable standards of this Code.
- B. Resumption Prohibited - A lot, building or structure in or on which a legal nonconforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to one (1) 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 at any time during the preceding five (5) year period.<sup>31</sup>
- C. Change of Use - An existing legal nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent

<sup>31</sup> Amended 4-30-2005

properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to the criteria in Section 504.4.A Paragraphs 1 through 8, above.

#### **504.5 Nonconforming Lots**

- A. **Undeveloped Nonconforming Lots** - An undeveloped legal nonconforming lot of record as of the effective date of this Code or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Chapter except lot size and road frontage can be met.
- B. **Contiguous Built Lots** - If two contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Code, if all or part of the lot does not meet the dimensional requirements of this Chapter, and if a principal use or structure, which principal structure is not a shed, garage or similar accessory 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, which principal structure is not a shed, garage or similar accessory structure, existed on a single lot of record on the effective date of this Code, each may be sold on a separate lot except in the Shoreland Area provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Chapter.

- C. **Contiguous Lots-Vacant or Partially Built** - If two or more contiguous lots or parcels are in single or joint ownership (owned by the same person or persons) of record at the time of or since adoption or amendment of this Code, if any of these lots do not individually meet the dimensional requirements of this Code or subsequent amendments to the same, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined. This Section shall not be interpreted to require two or more legally conforming lots of record, owned by the same person or persons, on or before the effective date of this Code, that become nonconforming by adoption of this Code or subsequent amendments, to be combined.

### **505 DISTRICTS**

#### **505.1 Purposes**

- A. To implement the Town of Poland Comprehensive Plan policies and Future Land Use Plan;
- B. To provide for a separation of land uses that might otherwise be incompatible;
- C. To protect the natural resources of the Municipality and those it shares with adjacent Municipalities from degradation;
- D. To provide for an orderly future growth pattern of the Municipality; and
- E. To provide for the health, welfare, and safety of the public and for the environmental quality and economic well-being of the Municipality.

#### **505.2 Specific Districts**

- A. **Village Districts** - To preserve, enhance and continue existing mixed use development patterns that are characteristic of New England Village Centers; to allow for additional residential development; to allow non-residential development that is compatible with residential neighborhoods and village settings; to allow development that is consistent with historical land use patterns; to encourage the preservation of historically significant structures; to preserve the primarily residential nature of the Town's existing Villages; and to reflect the differing needs and varying conditions of Poland's Villages.

- B. Historic Districts - To encourage the continuation, enhancement, and preservation of historically significant sites and structures in Poland; to enhance structures designated on the National Register of Historic Places; to encourage land uses which are compatible with the integrity and use of historic places and structures; and to recognize the diversity and differing needs of various historic areas.
- C. Rural Residential Districts - To provide areas throughout Poland specifically for low density residential development where such development would not place an undue burden on the Town to provide a transitional area between more intensively used Village Districts and Farm and Forest Districts; and to recognize the diverse needs and varying resource conditions in Poland.
- D. Farm and Forest Districts - To preserve the rural character of the Town by encouraging the retention of existing farmland, forest land and open space; to encourage and promote agricultural and forest management activities and provide land areas within Poland where agriculture and forestry can co-exist with limited residential development; to allow business related to agriculture and forestry; and to recognize the diverse conditions, needs and resource limitations of Poland's rural areas.
- E. General Purpose Districts - To provide for and encourage the development of businesses and industries in close proximity to transportation networks, as well as similar areas in adjacent communities where water and sewer services could be provided; to enhance the tax base of the community and provide jobs; to allow commercial and industrial growth that is consistent with the natural resource limitations of the community; and reflecting the differing conditions, opportunities and limitations of various areas.
- F. Limited Residential Districts - To allow for and preserve open space areas, one-family residential uses and other non-intensive uses that require shoreland locations that are in locations regulated by the State of Maine Mandatory Shoreland Zoning Act.
- G. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial District need not be included within the Resource Protection District.<sup>32</sup>
1. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
  2. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
  3. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
  4. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

Such areas included but not limited to areas within 250 feet, horizontal distance, of the upland edge of certain freshwater wetlands as depicted on the Official Land Zoning District Map.

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<sup>32</sup> Amended 04/06/2013

H. Limited Commercial District - The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

I. Aquifer Protection Overlay District

1. Purposes

- a. To protect the ground water recharge areas of the Poland aquifers in order to maintain the present rate of recharge and, where possible, enhance recharge, thus insuring a dependable water supply to the Town for the future; and
- b. To protect the aquifer areas from contaminants which can reasonably be expected to accompany certain uses of land or activity, thereby maintaining those aquifer areas high water quality.

2. Findings

- a. The Town of Poland, Maine has access to a water supply that is both plentiful and of excellent quality. From Poland's aquifer, water extraction companies, which are licensed by the State, are extracting millions of gallons per year;
- b. Rainfall replenishes the aquifers through a process known as recharge. Increasing density of development creates impervious surfaces (areas, which water, cannot penetrate to reach ground water) which decrease the amount of water available for use from these aquifers. Diminishing recharge areas decrease the amount of water available to dilute pollutants;
- c. The most likely sources of toxic waste pollution are not necessarily large industries, but often small businesses such as gas stations, dry cleaners and automotive shops. Other pollution problems result from elevated concentration of nitrates, and are linked to more common land uses such as household septic systems and uses of fertilizers for recreational facilities and agriculture;
- d. Because of the expansion of area water extraction companies, and the rapid residential development within the Town of Poland in recent years the possibility exists that future water quality and quantity may be adversely affected unless timely and appropriate resource management steps are taken; and
- e. Furthermore, changes in the Federal Drinking Water Standards may require the Town of Poland, for its school systems to undertake additional treatment processes, which could entail significant future cost. Maintaining the high quality of underground water sources such as found in the Poland aquifers, will give the Town flexibility in the future when considering options for the efficient delivery of drinking water.

3. Applicability - The boundaries of the Aquifer Protection Overlay District shall be as delineated on the (Gray, Mechanic Falls, Minot and Raymond Quadrangle Significant Sand and Gravel Aquifer Maps, published by the Maine Geological Survey, and as amended by vote of the Board of Appeals). The Aquifer Protection Overlay District requirements apply concurrently with the requirements for the underlying zoning district. Where a conflict exists between the Aquifer Protection Overlay District requirements and the underlying zoning district requirements, the more restrictive requirements shall apply.

4. Interpretation of Aquifer Boundaries - Unless otherwise set forth on the Official Land Zoning District Map, Aquifer Protection Overlay boundary lines shall be as delineated on the (Gray, Mechanic Falls, Minot and Raymond Quadrangle Significant Sand and Gravel Aquifer Maps,

published by the Maine Geological Survey, and as amended by vote of the Board of Appeals)

If the official boundaries of the Aquifer Protection Overlay Districts as delineated on the Zoning Maps are disputed due to lack of sufficient detail on the available map, the landowner or agent may submit hydrogeologic evidence to support any claim. The evidence shall be prepared by a State of Maine certified Geologist with expertise in hydrogeology. The Poland Board of Appeals shall be the final authority as to boundary location.

- J. Stream Protection Districts - The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas 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 and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland or streams zoned as Resource Protection or Stream Protection 2. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.<sup>33</sup>
- K. Stream Protection District 2 - Stream Protection District 2 includes all land areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of Davis, Potash and Worthley Brook, exclusive of those areas 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 and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland or streams zoned as Resource Protection. Where a stream or a brook and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.<sup>34</sup>

## **506 LAND USES BY DISTRICT**

Land Use Requirements - All buildings or structures hereafter erected, reconstructed, altered, enlarged, or relocated, and uses of premises in the Town shall be in conformity with the provisions of this Code. No building, structures, land or water area shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, land and water area is located.

All Land Use Activities as indicated in section 506.2, POLAND LAND USES, shall conform with all of the applicable Land Use Standards in Sections 508 and 509. The District designation for a particular site shall be determined from the Official Land Zoning District Map.

- A. 506.2 **Village 1**<sup>35</sup>
1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:

<sup>33</sup> Amended 04/06/2013

<sup>34</sup> Amended 04/06/2013

<sup>35</sup> Amended 04/02/2016

- Single Family Dwelling
  - Accessory Uses & Structures
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Home Occupation
  - Farm Stand
  - Home Day Care
  - Signs
  - Filling 200 to 5,000 yards
2. Permitted Uses Requiring Planning Board Approval:
- Filling more than 5,000 yards
3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:
- Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast
  - Business (Primary Function)
  - Campgrounds Transient
  - Day Care Facility
  - Farm Market
  - Grocery Store
  - Hotel/Motel
  - Mini Mall
  - Pet Store
  - Pet Care Facility
  - Neighborhood Convenience Store (with or without fuel island)
  - Nurseries/Greenhouses
  - Offices; Business, Medical, Professional
  - Recreational Facilities (Commercial)
  - Restaurants (Includes Taverns, Bars)
  - Small Engine Repairs
  - Vehicle: Body Shop, Repair, Sales and/or Service, Service Station
  - Microbreweries and Brew Pubs
  - Gravel Pits, Quarries
  - Sewerage Pumping Station
  - Campgrounds: Religious Associations/Clubs
  - Medical Clinic
  - Congregate Care Facility
  - Hospice/Nursing Home
  - Hospital
  - Library
  - Museum
  - Public Buildings
  - Public Facilities, Operational
  - Religious Institution
  - Recreational Facilities, Municipal or State
  - Planned Commercial Development
  - Schools
  - Utilities, Service Structure
  - Cemeteries
4. Permitted Uses Requiring Subdivision Review Cluster Development:
- Multifamily Dwellings (3 or more)
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A § 4401

5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
  
6. All uses that are not expressly listed above shall be prohibited.

**B. Village 2**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:
 

<ul style="list-style-type: none"> <li>• Accessory Uses &amp; Structures</li> <li>• Accessory Apartment</li> <li>• Accessory Residential Structure</li> <li>• Offsite Accessory Structure</li> <li>• Farm Stand</li> </ul>	<ul style="list-style-type: none"> <li>• Home Daycare</li> <li>• Home Occupation</li> <li>• Signs</li> <li>• Filling 200 to 5,000-yards</li> <li>• Single Family Dwelling</li> <li>• Two Family Dwelling, Duplex</li> </ul>
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2. Permitted Uses Requiring Planning Board Approval:
  - Filling of More than 5,000 yards
  
3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:
 

<ul style="list-style-type: none"> <li>• Accessory Uses &amp; Structures</li> <li>• Antenna, Saucer, Tower (Commercial)</li> <li>• Bed &amp; Breakfast</li> <li>• Day Care Facility</li> <li>• Farm Market (the lot upon which the farm market is located shall be at least twenty acres in size and shall be a working farm)</li> <li>• Pet Care Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Sewerage Pumping Station</li> <li>• Congregate Care Facility</li> <li>• Library</li> <li>• Museum</li> <li>• Administrative Public Buildings</li> <li>• Religious Institution</li> <li>• Recreational Facilities, Municipal or State</li> <li>• Schools</li> <li>• Utilities, Service Structure</li> <li>• Cemeteries</li> </ul>
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4. Permitted Uses Requiring Subdivision Review:
  - Cluster Development
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A § 4401

5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

**C. Village 3**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:
  - Single Family Dwelling
  - Accessory Uses & Structures
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Farm Stand
  - Home Occupation
  - Home Day Care
  - Signs
  - Filling 200 to 5,000 yards
2. Permitted Uses Requiring Planning Board Approval:
  - Filling of More than 5,000 yards
3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:
  - Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast
  - Business (Primary Function)
  - Campgrounds Transient
  - Day Care Facility
  - Farm Market
  - Pet Care Facility
  - Pet Store
  - Neighborhood Convenience Store (with or without fuel island)
  - Offices; Business, Medical, Professional
  - Restaurants (Includes Taverns, Bars)
  - Vehicle: Sales and/or Service
  - Gravel Pits, Quarries
  - Sewerage Pumping Station
  - Campgrounds: Religious Associations/Clubs
  - Medical Clinic
  - Congregate Care Facility
  - Hospice/Nursing Home
  - Hospital with > 10 Beds
  - Library
  - Museum
  - Public Buildings
  - Public Facilities, Operational
  - Religious Institution
  - Recreational Facilities, Municipal or State
  - Schools
  - Utilities, Service Structure
  - Cemeteries
4. Permitted Uses Requiring Subdivision Review:
  - Cluster Development
  - Planned Residential Development

- Any development defined as a Subdivision by 30-A M.R.S.A § 4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:
- Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All Uses that are not expressly listed above shall be prohibited.

D.

**Village 4**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:
- Single Family Dwelling
  - Accessory Uses & Structures,
  - Accessory Apartment
  - Accessory Residential Structure
  - Offsite Accessory Structure
  - Two Family/Duplex Dwelling
  - Farm Stand
  - Home Occupation
  - Home Day Care
  - Signs
  - Filling 200 to 5,000-yards
2. Permitted Uses Requiring Planning Board Approval:
- Filling of More than 5,000 yards
3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:
- Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Bed & Breakfast
  - Business (Primary Function)
  - Day Care Facility
  - Farm Market
  - Grocery Store
  - Hotel/Motel
  - Mini Mall
  - Pet Care Facility
  - Pet Store
  - Neighborhood Convenience Store (with or without fuel island)
  - Nurseries/Greenhouses
  - Offices; Business, Medical, Professional
  - Recreational Facilities (Commercial)
  - Restaurants (Includes Taverns, Bars)
  - Small Engine Repairs
  - Vehicle: Body Shop, Repair, Sales and/or Service, Service Station
  - Breweries and Distilleries (maximum 40,000 sq. ft. of floor area)
  - Microbreweries and Brew Pubs
  - Sewerage Pumping Station
  - Medical Clinic
  - Congregate Care Facility
  - Hospice/Nursing Home
  - Planned Commercial Development
  - Museum
  - Utilities, Service Structure

4. Permitted Uses Requiring Subdivision Review:
  - Cluster Development
  - Multifamily Dwellings (3 or more)
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A § 4401
  
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
  
6. All uses that are not expressly listed above shall be prohibited.

**E. Downtown**

1. Uses Requiring a Permit from the Code Enforcement Officer:
 

<ul style="list-style-type: none"> <li>• Single Family Dwelling</li> <li>• Accessory Uses &amp; Structures</li> <li>• Housing, Manufactured Definition A &amp; C</li> <li>• Accessory Apartment</li> <li>• Accessory Residential Structure</li> </ul>	<ul style="list-style-type: none"> <li>• Offsite Accessory Structure</li> <li>• Two Family/Duplex Dwelling</li> <li>• Home Occupation</li> <li>• Home Day Care</li> <li>• Signs</li> <li>• Filling 200 to 5,000-yards</li> </ul>
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2. Permitted Uses Requiring Planning Board Approval:
  - Filling of More than 5,000 yards
  
3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:
 

<ul style="list-style-type: none"> <li>• Accessory Uses &amp; Structures</li> <li>• Antenna, Saucer, Tower (Commercial)</li> <li>• Bed &amp; Breakfast</li> <li>• Business (Primary Function)</li> <li>• Day Care Facility</li> <li>• Farm Market</li> <li>• Farm Stand</li> <li>• Grocery Store</li> <li>• Hotel/Motel</li> <li>• Mini Mall</li> <li>• Pet Care Facility</li> <li>• Pet Store</li> </ul>	<ul style="list-style-type: none"> <li>• Neighborhood Convenience Store (with or without fuel island)</li> <li>• Nurseries/Greenhouses</li> <li>• Offices; Business, Medical, Professional</li> <li>• Recreational Facilities, Commercial (indoor recreational facilities only, limited to no more than 15,000 sq. ft. per structure)</li> <li>• Restaurants (Includes Taverns, Bars)</li> <li>• Small Engine Repairs</li> <li>• Microbreweries and Brew Pubs</li> </ul>
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- Laboratories, Research
- Manufacturing, General  
(manufacturing allowed only if there is also a retail outlet on the premises)
- Sewerage Pumping Station
- Medical Clinic
- Congregate Care Facility
- Group Home
- Hospice/Nursing Home
- Hospital > 10 Overnight Beds
- Hospital < 10 Overnight Beds
- Library
- Museum
- Public Buildings, Administrative
- Public Facilities, Operational
- Religious Institution
- Municipal or State Recreational Facilities
- Schools
- Cemeteries
- Planned Commercial Development
- Utilities, Service Structure

4. Permitted Uses Requiring Subdivision Review:

- Cluster Development
- Multifamily Dwellings (3 or more)
- Planned Residential Development
- Any development defined as a Subdivision by 30-A M.R.S.A § 4401

5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:

- Agriculture
- Filling less than 200 cubic yards
- Timber Harvesting
- Utilities (Above & Below Ground)

6. All uses that are not expressly listed above shall be prohibited.

F. **Historic**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:

- Single Family Dwelling
- Accessory Uses & Structures
- Accessory Apartment
- Offsite Accessory Structure
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 to 5,000 yards

2. Permitted Uses Requiring Planning Board Approval:

- Filling of More than 5,000 yards

3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:

- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Bed & Breakfast
- Business (Primary Function)
- Day Care Facility
- Farm Market

- Hotel/Motel
- Mini Mall
- Nurseries/Greenhouses
- Offices; Business, Medical, Professional
- Recreational Facilities (Commercial)
- Restaurants (Includes Taverns, Bars)
- Gravel Pits & Quarries
- Sewerage Pumping Station
- Campgrounds, Religious Assoc., Clubs
- Medical Clinic
- Congregate Care Facility
- Hospice/Nursing Home
- Hospital > 10 Overnight Beds
- Library
- Museum
- Public Buildings, Administrative
- Religious Institution
- Municipal or State Recreational Facilities
- Cemeteries
- Utilities, Service

4. Permitted Uses Requiring Subdivision Review:

- Multifamily Dwellings (3 or more)
- Planned Residential Development
- Any development defined as a Subdivision by 30-A M.R.S.A § 4401

5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:

- Agriculture
- Filling less than 200 cubic yards
- Timber Harvesting
- Utilities (Above & Below Ground)

6. All uses that are not expressly listed above shall be prohibited.

**G. Rural Residential 1**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:

- Single Family Dwelling
- Accessory Uses & Structures
- Housing, Manufactured Definition A & C
- Accessory Apartment
- Accessory Residential Structure
- Offsite Accessory Structure
- Two Family/Duplex Dwelling
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 to 5,000 yards

2. Permitted Uses Requiring Planning Board Approval:

- Filling of More than 5,000 yards

3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:

- Accessory Uses & Structures
- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Bed & Breakfast
- Day Care Facility

- Farm Market (the lot upon which the farm market is located shall be at least twenty acres in size and shall be a working farm)
- Recreational Facilities (Commercial)
- Gravel Pits & Quarries
- Sewerage Pumping Station
- Campgrounds: Religious Assoc., Clubs
- Congregate Care Facility
- Library
- Museum
- Public Facilities, Operational
- Religious Institution
- Schools
- Cemeteries
- Utilities, Service Structure

4. Permitted Uses Requiring Subdivision Review:

- Cluster Development
- Planned Residential Development
- Any development defined as a Subdivision by 30-A M.R.S.A § 4401

5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:

- Agriculture
- Filling less than 200 cubic yards
- Timber Harvesting
- Utilities (Above & Below Ground)

6. All uses that are not expressly listed above shall be prohibited.

H.

**Rural Residential 2**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:

- Single Family Dwelling
- Accessory Uses & Structures
- Housing, Manufactured Definition A & C
- Accessory Apartment
- Accessory Residential Structure
- Offsite Accessory Structure
- Two Family/Duplex Dwelling
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 to 5,000 yards

2. Permitted Uses Requiring Planning Board Approval:

- Filling of More than 5,000 yards

3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:

- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Bed & Breakfast
- Day Care Facility
- Farm Market (the lot upon which the farm market is located shall be at least twenty acres in size and shall be a working farm)
- Gravel Pits & Quarries

- Sewerage Pumping Station
- Congregate Care Facility
- Library
- Museum
- Religious Institution
- Municipal or State Recreation Facilities
- Schools
- Cemeteries
- Utilities, Service Structure

4. Permitted Uses Requiring Subdivision Review:

- Cluster Development
- Planned Residential Development
- Any development defined as a Subdivision by 30-A M.R.S.A § 4401

5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:

- Agriculture
- Filling less than 200 cubic yards
- Timber Harvesting
- Utilities (Above & Below Ground)

6. All uses that are not expressly listed above shall be prohibited.

I. **Rural Residential 3**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:

- Single Family Dwelling
- Accessory Uses & Structures
- Housing, Manufactured Definition A & C
- Accessory Apartment
- Accessory Residential Structure
- Offsite Accessory Structure
- Two Family/Duplex Dwelling
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 to 5,000 yards

2. Permitted Uses Requiring Planning Board Approval:

- Filling of More than 5,000 yards

3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:

- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Bed & Breakfast
- Day Care Facility
- Farm Market (the lot upon which the farm market is located shall be at least twenty acres in size and shall be a working farm)
- Public Facilities, Operational
- Gravel Pits & Quarries
- Sewerage Pumping Station
- Congregate Care Facility
- Library
- Museum
- Religious Institution
- Municipal or State Recreation Facilities
- Schools

- Cemeteries
- Utilities, Service Structure

4. Permitted Uses Requiring Subdivision Review:

- Cluster Development
- Planned Residential Development
- Manufactured Housing Community
- Any development defined as a Subdivision by 30-A M.R.S.A § 4401

5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:

- Agriculture
- Filling less than 200 cubic yards
- Timber Harvesting
- Utilities (Above & Below Ground)

6 All uses that are not expressly listed above shall be prohibited.

J. **Farm and Forest**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:

- |  |                               |
|--|-------------------------------|
| • Single Family Dwelling                 | • Offsite Accessory Structure |
| • Accessory Uses & Structures            | • Two Family/Duplex Dwelling  |
| • Housing, Manufactured Definition A & C | • Home Occupation             |
| • Accessory Apartment                    | • Home Day Care               |
| • Accessory Residential Structure        | • Farm Stand                  |
|  | • Signs                       |
|  | • Filling 200 to 5,000 yards  |

2. Permitted Uses Requiring Planning Board Approval:

- Filling of More than 5,000 yards

3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:

- |  |  |
|--|--|
| • Accessory Uses & Structures  | • Agriculture (Process & Storage)      |
| • Antenna, Saucer, Tower (Commercial)                                | • Sawmills                             |
| • Bed & Breakfast  | • Farm Market                          |
| • Boat Storage Facilities  | • Gravel Pits & Quarries               |
| • Transient Campgrounds  | • Sewerage Pumping Station             |
| • Kennel   | • Waste Disposal                       |
| • Nurseries & Greenhouses  | • Campgrounds: Religious Assoc., Clubs |
| • Restaurants, includes Taverns & Bars (in existing structures only) | • Group Home                           |
| • Small Engine Repair  | • Confined Feeding Operations          |
|  | • Library                              |
|  | • Museum                               |

- Religious Institution
- Municipal or State Recreation Facilities
- Schools
- Cemeteries
- Utilities, Service Structure

4. Permitted Uses Requiring Subdivision Review:
  - Cluster Development
  - Planned Residential Development
  - Any development defined as a Subdivision by 30-A M.R.S.A § 4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:
  - Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

**K. General Purpose 1**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:
  - Accessory Uses & Structures
  - Home Occupation
  - Home Day Care
  - Farm Stand
  - Signs
  - Filling 200 to 5,000-yards
2. Permitted Uses Requiring Planning Board Approval:
  - Filling of More than 5,000 yards
3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:
  - Accessory Uses & Structures
  - Adult Book & Video Stores
  - Adult Entertainment Facility
  - Antenna, Saucer, Tower (Commercial)
  - Business (Primary Function)
  - Kennel
  - Grocery Store
  - Neighborhood Convenience Store (with or w/o fuel islands)
  - Offices: Business, Medical, Professional
  - Nurseries & Greenhouses
  - Restaurants (includes Taverns & Bars)
  - Small Engine Repair
  - Vehicles: Body Shop, Repair, Sales, Service, Service Station
  - Agriculture (Process & Storage)
  - Bottling Facility
  - Breweries & Distilleries
  - Industrial General
  - Laboratories, Research
  - General Manufacturing
  - Sawmills
  - Farm Market
  - Gravel Pits & Quarries
  - Sewerage Pumping Station
  - Trucking, Distribution Terminal
  - Waste Disposal

- Yard: Salvaged Materials & Scrap Metal
- Confined Feeding Operations
- Museum
- Public Buildings, Administrative
- Public Buildings, Operational
- Municipal or State Recreation Facilities
- Utilities, Service Structure

4. Permitted Uses Requiring Subdivision Review

- Any development defined as a Subdivision by 30-A M.R.S.A § 4401

5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:

- Agriculture
- Filling less than 200 cubic yards
- Timber Harvesting
- Utilities (Above & Below Ground)

6. All uses that are not expressly listed above shall be prohibited.

L.

**General Purpose 2**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:

- Accessory Uses & Structures
- Home Occupation
- Home Day Care
- Farm Stand
- Signs
- Filling 200 to 5,000-yards

2. Permitted Uses Requiring Planning Board Approval:

- Filling of More than 5,000 yards

3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:

- Accessory Uses & Structures
- Antenna, Saucer, Tower (Commercial)
- Business (Primary Function)
- Kennel
- Grocery Store
- Offices: Business, Medical, Professional
- Nurseries & Greenhouses
- Small Engine Repair
- Vehicles: Body Shop, Repair, Sales, Service
- Agriculture (Process & Storage)
- Bottling Facility
- Breweries & Distilleries
- Industrial General
- Laboratories, Research
- General Manufacturing
- Sawmills
- Farm Market
- Gravel Pits & Quarries
- Sewerage Pumping Station
- Trucking, Distribution Terminal
- Waste Disposal
- Yard: Salvaged Materials & Scrap Metal
- Confined Feeding Operations
- Museum

- Public Buildings, Administrative
  - Public Buildings, Operational
  - Municipal or State Recreation Facilities
  - Utilities, Service Structure
4. Permitted Uses Requiring Subdivision Review
- Any development defined as a Subdivision by 30-A M.R.S.A § 4401
5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:
- Agriculture
  - Filling less than 200 cubic yards
  - Timber Harvesting
  - Utilities (Above & Below Ground)
6. All uses that are not expressly listed above shall be prohibited.

M.

**General Purpose 3**

1. Permitted Uses Requiring a Permit from the Code Enforcement Officer:
- Accessory Uses & Structures
  - Home Occupation
  - Home Day Care
  - Farm Stand
  - Signs
  - Filling 200 to 5,000 yards
2. Permitted Uses Requiring Planning Board Approval:
- Filling of More than 5,000 yards
3. Permitted Commercial, Industrial, Institutional, Governmental and Other Uses Requiring a Site Plan Review:
- Accessory Uses & Structures
  - Antenna, Saucer, Tower (Commercial)
  - Business (Primary Function)
  - Kennel
  - Grocery Store
  - Offices: Business, Medical, Professional
  - Nurseries & Greenhouses
  - Small Engine Repair
  - Vehicles: Body Shop, Repair, Sales, Service
  - Abattoir (Slaughter House)
  - Auto Graveyards/Junkyards
  - Hazmats: Mfg., Storage, Distribution
  - Agriculture (Process & Storage)
  - Bottling Facility
  - Breweries & Distilleries
  - Industrial General
  - Laboratories, Research
  - General Manufacturing
  - Sawmills
  - Farm Market
  - Gravel Pits & Quarries
  - Sewerage Pumping Station
  - Trucking, Distribution Terminal
  - Waste Disposal
  - Yard: Salvaged Materials & Scrap Metal
  - Confined Feeding Operations
  - Museum
  - Public Buildings, Administrative
  - Public Buildings, Operational

- Municipal or State Recreation Facilities
  - Utilities, Service Structure
4. Permitted Uses Requiring Subdivision Review
    - Any development defined as a Subdivision by 30-A M.R.S.A § 4401
  5. The following uses are allowed without a permit provided that they are not associated with any other use or activity requiring a permit or other approval under the provisions of this Code:
    - Agriculture
    - Filling less than 200 cubic yards
    - Timber Harvesting
    - Utilities (Above & Below Ground)
  6. All uses that are not expressly listed above shall be prohibited.

**507 SPACE AND BULK STANDARDS**

**507.1 Specific 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 in other Sections of this Chapter or Code). After the effective date of this Code, no lot shall be created or reduced below the minimum standards unless allowed by other provisions of this Code.

- A. Historic Sites in the Historic Districts - Historic Sites in the Historic Districts are exempt from the dimensional requirements and current Building Codes, when required to maintain their historic distinction. Current Plumbing and Electrical Codes, shall however, be followed. <sup>36</sup>

These Historic Sites are:

1. Empire Grove Camp Ground
2. All Souls Chapel
3. The State of Maine Building
4. Ricker Inn
5. The Inn at Poland Spring
6. The Poland Spring House
7. Original Poland Spring Bottling Plant
8. Poland Spring Beach House on the Causeway for Route 26
9. Keystone Spring

- B. Calculating Minimum Lot Area - Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads, and/or right-of-ways shall not be included toward calculating minimum lot area.
  1. Exception: For wetlands that are not shown on the Zoning Map or on the State of Maine's maps of Significant Wetlands for the Town of Poland, that are not considered vernal pools, and that are being considered for land divisions for three (3) or fewer lots may allow the following:
    - a. The CEO may allow up to 10% of the uplands to be non-significant wetland areas as part of the minimum lot area for up to a total of no more than eight thousand sq. ft. (8,000 ft<sup>2</sup>) per lot.
    - b. The Planning Board, after reviewing the development, may allow up to 25% of the uplands to be non-significant wetland areas as part of the minimum lot area for up to a total of no more than twenty thousand sq. ft. (20,000 ft<sup>2</sup>) per lot.

<sup>36</sup> Amended 4-29-2006

- (1) Any development impacting the wetlands for the lots may require DEP approval as a condition of the Planning Board's approval.
  - (2) There shall be at least thirty thousand sq. ft. (30,000 ft<sup>2</sup>) of contiguous upland per lot.
  - (3) Performance standards as set in Chapter 6 for a minor subdivision or as set in Chapter 5 (or 13 if enacted) for one or two lots shall apply.
- c. These lots shall have the wetlands delineated by certified professionals to prove the amount of wetland used to create the lot does not exceed the amounts in items a. & b. above.
- d. Details of all development planned within the next five (5) years shall be part of the review process. Impacts on the wetlands shall be minimized.<sup>37</sup>
- C. Lots Located on the Opposite Sides of a Public Way or Private Road in Calculating Minimum Lot Area - Lots located on the 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 the land on both sides thereof after September 22, 1971.
- D. Minimum Lot Width - The minimum lot width of any portion of a lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland, shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- E. Measuring Shoreland Lot Frontage - A lot abutting a Great Pond, river, stream or other water bodies and wetlands, shall have a minimum shore frontage of two hundred (200) feet, measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation or upland edge of a wetland.
- F. 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 ninety (90) feet, may be designed so that they have a minimum of fifty (50) 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. The number of lots on any given cul-de-sac shall be limited to three (3).<sup>38</sup>
- G. Multiple Structures
1. Residential - 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, lot width and road frontage requirements except as may be allowed under specific sections of this Code. 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 504.5.<sup>39</sup>
  2. Non-residential - More than one principal structure may be placed on a single lot after receiving Planning Board approval providing the lot conforms to the minimum space and bulk standards as outlined in this Chapter for the district that the lot is in. Also, all renovated or new buildings on the lot, principal or accessory, shall meet the minimum requirements for building construction according to Chapter 11.
- H. Parking Areas - Parking areas shall not be located within any required front setback area but may be located within ten (10) feet of the side and rear lot lines.
- I. 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 Code.
- J. Corner Lots - The front setback and lot frontage requirement shall be observed along all roads abutting the lot. Roadways legally existing on or before April 7, 2007 that include the ownership of the right-of-way and do not have a mapped, surveyed, or otherwise defined right-of-way the setback and road frontage shall be measured along the centerline of the traveled way. For the purpose of this Paragraph, property lines intersecting the road(s)

<sup>37</sup> Amended 4-07-2007

<sup>38</sup> Amended 4-30-2005

<sup>39</sup> Amended 4-29-2006

shall be considered sidelines.<sup>40</sup>

- K. Corner Lot Obstructions - All corner lots shall be kept free from all visual obstruction for a distance of fifty (50) feet measured from the street corner along all intersection streets.
- L. Lot Dimensions - 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.<sup>41</sup>
- M. Lots for Duplexes
  - 1. Non Subdivision Lots - Lots for a duplex shall meet all the dimensional requirements for a single family structure.<sup>27</sup>
  - 2. Subdivision Lots - Lots in an approved subdivision, whether standard or cluster size lots, may have duplex dwellings providing they are applied for in the application request for a subdivision review.
- N. Aquifer Protection Overlay District Requirements - Aquifer Protection Overlay District requirements apply concurrently with the Lot Coverage requirements for the underlying zoning district. Where a conflict exists between the Aquifer Protection Overlay District requirements and the underlying zoning district requirements, the more restrictive shall apply.
- O. Commercial Building Size Restriction
  - 1. No individual retail store shall have more than fifty thousand sq. ft. (50,000 ft<sup>2</sup>) of gross floor space. This does not prevent a structure or single parcel of land from having multiple retail stores with each store having different proprietors and with each retail store being allowed up to fifty thousand sq. ft. (50,000 ft<sup>2</sup>) of gross floor space.
  - 2. This does not apply to commercial and industrial buildings that are not used for retail sales and services.
  - 3. All other items of this section and site and/or subdivision review standards are applicable.<sup>42</sup>
- P. All newly created lots shall be surveyed by a State of Maine Registered Surveyor and all property corners shall be marked with permanent markers, for purpose of this section a permanent marker shall be one of the following: a granite monument; a concrete monument; an iron pin; or a drill hole in ledge. A stamped copy of the official boundary survey shall be given to the Code Enforcement Officer for the records and review.<sup>43</sup>

**507.2 Space and Bulk Standards<sup>44</sup>**

**A. Village 1, 2, 3-**

- 1. The Minimum Lot Area shall be (80,000) square feet
- 2. The minimum Road Frontage shall be (200) feet
- 3. The minimum Shore Frontage shall be (200) feet
- 4. The Maximum Impervious Surface Ratio shall not exceed 75%<sup>4/6</sup>.
- 5. The Maximum Structure Height shall not exceed the height requirements of the Town of Poland's Building Code, Chapter 11. Height may be limited based on recommendation of Fire/Rescue Chief because of the department's limitations and capabilities.
- 6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 25 Feet
  - d. Normal High Water Mark Great Pond 75 feet

<sup>40</sup> Amended 04/06/2013

<sup>41</sup> Amended 4-26-2003

<sup>42</sup> Added 4-07-2007

<sup>43</sup> Added 04/06/2013

<sup>44</sup> Amended 04/06/2013

- e. Upland edge of a Wetland 75 feet
- 7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark Great Pond 75 feet
  - e. Upland edge of a Wetland 75 feet

#### **B. Downtown Village and Village 4**

1. The Minimum Lot Area shall be (20,000) square feet
2. The minimum Road Frontage shall be (100) feet
3. The minimum Shore Frontage shall be (200) feet
4. The Maximum Impervious Surface Ratio shall not exceed 75%<sup>6</sup>.
5. The Maximum Structure Height shall not exceed the height requirements of the Town of Poland's Building Code, Chapter 11. Height may be limited based on recommendation of Fire/Rescue Chief because of the department's limitations and capabilities.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 30 feet<sup>1/3/7</sup>
  - b. Rear 10 Feet
  - c. Side 10 Feet<sup>7</sup>
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 30 feet<sup>1/3/7</sup>
  - b. Rear 10 Feet
  - c. Side 10 Feet
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet

#### **C. Historic**

1. The Minimum Lot Area shall be (80,000) square feet
2. The minimum Road Frontage shall be (200) feet
3. The minimum Shore Frontage shall be (200) feet
4. There is no Maximum Impervious Surface Ratio.
5. The Maximum Structure Height shall not exceed the height requirements of the Town of Poland's Building Code, Chapter 11. Height may be limited based on recommendation of Fire/Rescue Chief because of the department's limitations and capabilities.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 10 Feet
  - c. Side 15 Feet
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 10 Feet
  - c. Side 15 Feet
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet

**D. Rural Residential 1, 2, 3**

1. The Minimum Lot Area shall be (80,000) square feet
2. The minimum Road Frontage shall be (200) feet
3. The minimum Shore Frontage shall be (200) feet
4. The Maximum Impervious Surface Ratio shall not exceed 15%.
5. The Maximum Structure Height shall not exceed the height requirements of the Town of Poland's Building Code, Chapter 11. Height may be limited based on recommendation of Fire/Rescue Chief because of the department's limitations and capabilities.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 40 Feet
  - c. Side 40 Feet<sup>8</sup>
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 40 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet

**E. Farm and Forest**

1. The Minimum Lot Area shall be (5) acres
2. The minimum Road Frontage shall be (300) feet
3. The minimum Shore Frontage shall be (200) feet
4. The Maximum Impervious Surface Ratio shall not exceed 15%.
5. The Maximum Structure Height shall not exceed the height requirements of the Town of Poland's Building Code, Chapter 11. Height may be limited based on recommendation of Fire/Rescue Chief because of the department's limitations and capabilities.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 40 Feet
  - c. Side 40 Feet<sup>8</sup>
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 40 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet

**F. General Purpose 1,2,3**

1. The Minimum Lot Area shall be (80,000) square feet
2. The minimum Road Frontage shall be (200) feet
3. The minimum Shore Frontage shall be (200) feet
4. The Maximum Impervious Surface Ratio shall not exceed 75%.

5. The Maximum Structure Height shall not exceed the height requirements of the Town of Poland's Building Code, Chapter 11. Height may be limited based on recommendation of Fire/Rescue Chief because of the department's limitations and capabilities.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 40 Feet<sup>8</sup>
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet

#### **G. Limited Residential<sup>45</sup>**

1. The Minimum Lot Area shall be (80,000) square feet
2. The minimum Road Frontage shall be (200) feet
3. The minimum Shore Frontage shall be (200) feet
4. The Maximum Impervious Surface Ratio shall not exceed 15%<sup>9</sup>.
5. The maximum Structure height shall not exceed (35) feet.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 40 Feet<sup>8</sup>
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet

#### **H. Limited Commercial<sup>46</sup>**

1. The Minimum Lot Area shall be (80,000) square feet
2. The minimum Road Frontage shall be (200) feet
3. The minimum Shore Frontage shall be (300) feet
4. The Maximum Impervious Surface Ratio shall not exceed 15%<sup>9</sup>.
5. The Maximum Structure Height shall not exceed (35) feet.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 40 Feet<sup>8</sup>
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet

<sup>45</sup> Amended 4-4-2015

<sup>46</sup> Amended 4-4-2015

7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark Great Pond 100 feet
  - e. Upland edge of a Wetland 75 feet

#### I. Stream Protection 1<sup>47</sup>

1. The Minimum Lot Area shall be (80,000) square feet
2. The minimum Road Frontage shall be (200) feet
3. The minimum Shore Frontage shall be (200) feet
4. The Maximum Impervious Surface Ratio shall not exceed 15%<sup>9</sup>.
5. The Maximum Structure Height shall not exceed (35) feet.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 40 Feet<sup>8</sup>
  - d. Normal High Water Mark 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark 75 feet

#### J. Stream Protection 2<sup>48</sup>

1. The Minimum Lot Area shall be (80,000) square feet
2. The minimum Road Frontage shall be (200) feet
3. The minimum Shore Frontage shall be (200) feet
4. The Maximum Impervious Surface Ratio shall not exceed 15%<sup>9</sup>.
5. The Maximum Structure Height shall not exceed (35) feet.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 40 Feet<sup>8</sup>
  - d. Normal High Water Mark 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark 75 feet

#### K. Resource Protection<sup>49</sup>

1. The Minimum Lot Area shall be (80,000) square feet
2. The minimum Road Frontage shall be (200) feet
3. The minimum Shore Frontage shall be (200) feet
4. The Maximum Impervious Surface Ratio shall not exceed 15%<sup>9</sup>.

<sup>47</sup> Amended 4-4-2015

<sup>48</sup> Amended 4-4-2015

<sup>49</sup> Amended 4-4-2015

5. The Maximum Structure Height shall not exceed (35) feet.
6. The minimum principal structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 40 Feet<sup>8</sup>
  - d. Normal High Water Mark Great Pond 150 feet
  - e. Upland edge of a Wetland 75 feet
7. The minimum accessory structure setbacks shall be as follows:
  - a. Front 50 feet<sup>1/3/5</sup>
  - b. Rear 25 Feet
  - c. Side 20 Feet
  - d. Normal High Water Mark Great Pond 150 feet
  - e. Upland edge of a Wetland 75 feet

#### 507.2.A—Notes<sup>50</sup>

1. Measured from the edge of the right-of-way.
2. Includes rivers, streams and upland edge of wetlands as defined.
3. Parking lots/areas, accessory structures and storage shall not be located in the required setbacks except as provided for herein.
4. In Village Districts that are located in the Shoreland Area the Maximum Impervious Surface Ratio shall not exceed 0.15.
5. Notwithstanding the provisions of section 504.5, the front lot line setback for a nonconforming lot of record is twenty (20') feet.
6. Maximum impervious surface ratio may be higher when required by Me DEP and/or US EPA for runoff and storm water management.
7. Setback may be increased dependent on type of construction and use according to the building code adopted in Chapter 11.
8. Notwithstanding the provisions of section 504.5 the side lot line setback for a nonconforming lot of record is thirty (30') feet.
9. When an engineered pervious surface is installed for driveway and walkway areas, the maximum impervious surface ratio of 15% may be increase by 5% for a total of 20% for the lot area within the shoreland zone with Planning Board approval.
- 10.

#### A. Exemption: Public Utility Lot.<sup>51</sup>

1. A public utility company as described in Title 35-A M.R.S.A. Section 2101, may purchase or lease the land area needed by the company for an ancillary or relay station providing the following are met:
  - a. Any structure to be located on the lot is not the initial, main, or final collection, generating, distributing, or discharge station.
  - b. Structures shall normally be unmanned and not a place for office business, dispatch, or routine maintenance and repairs.
  - c. Structures shall be used for such things as, but not necessarily limited to, pumping, switching, distributing, and/or relaying of information, fluids, and/or energy.
  - d. Off-street parking shall be provided for all maintenance vehicles needed at any one time for routine maintenance.

<sup>50</sup> Amended 04/06/2013, 04/02/2016

<sup>51</sup> Added 4-27-2002

- e. Above ground structures shall be considered accessory structures for the purpose of setback requirements.
  - f. Below ground structures or portions thereof are exempt from right-of-way setbacks.
  - g. All other space and bulk standards shall apply according to the zoning district the lot is located in.
2. The original lot from which the utility lot is sold or leased may include the utility lot's land area and/or road frontage for zoning purposes if the sale or lease would cause the original lot to become nonconforming.
  3. The sale or lease of a public utility lot shall be exempt from the dividing of a lot for subdivision purposes.
- B. Road Frontage Measurement - Road frontage shall be measured along the edge of the right-of-way used as legal access to the lot.<sup>52</sup>
1. If a lot includes the ownership of the right-of-way, the edge of the right-of-way shall be measured from the side of the right-of-way where structural development is planned.
  2. Roadways legally existing on or before April 7, 2007 that include the ownership of the right-of-way and do not have a mapped, surveyed, or otherwise defined right-of-way shall have the road frontage measured along the centerline of the traveled way.

## **508 LAND USE PERFORMANCE STANDARDS**

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

**508.2 Structures Elevated Above Elevation of 100 Year Flood** - The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one (1) foot above the elevation of the 100-year flood, the flood of record, or in absence of these, the flood as defined by soil types identified as recent floodplain soils.

**508.3 Soils** - All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface wastewater disposal, and commercial or industrial development and other similar intensive land uses, may require a Soils Report based on an on-site investigation and be prepared by State-certified professionals. Certified persons may include State of Maine licensed Soil Evaluator, State of Maine certified Soil Scientist, State of Maine registered Professional Engineer and State of Maine certified Geologist. The Report shall be based upon 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. In cases of proposed structural development or other similar intensive land uses, developers shall demonstrate that their project will not be located on wetlands, slopes in excess of twenty percent (20%), or floodplains. Suitability consideration shall be based primarily on suitability as described by the National Cooperative Soil Survey and modified by on-site factors such as depth to water table and depth to refusal. On slopes in excess of twenty percent (20%) developers shall retain trees and other natural vegetation to stabilize hillside nutrient runoff.

**508.4 Water Quality** - No activity shall deposit on or into the ground or discharge into 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 or groundwater.

**508.5 Archaeological and Historic Sites** - Any proposed land use activity involving structural development or soil

<sup>52</sup> Added 4-07-2007

disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Code Enforcement Officer or Planning Board, 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 Code Enforcement Officer or Planning Board. The Code Enforcement Officer or Planning Board shall consider comments received from the Commission prior to rendering a decision on the application and shall require that archaeological sites and historic places be protected to the maximum extent possible in accordance with the Commission's recommendation.

## 508.6 Accessory Apartment, Accessory Residential Structure, and Offsite Accessory Structure

### A. Accessory Apartment

1. Purpose. The purpose of these standards are to provide less expensive rental units; make housing units available to lower income households who might otherwise have difficulty finding housing in Poland and to protect property values and traditional residential characteristics.
2. General Requirements. The addition of an accessory apartment to a single family dwelling may be allowed with a permit issued by the Code Enforcement Officer provided that the following are met:
  - a. The additional dwelling unit shall be a complete and separate house-keeping unit;
  - b. The additional dwelling unit 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.
  - c. The design and size of the additional dwelling unit conforms to all applicable standards in the Town of Poland Building Code and this Code;
  - d. Adequate off-street parking shall be provided which does not encroach upon required setbacks; and
  - e. Subsurface Wastewater Disposal Systems shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.
  - f. The structure shall not be located in any shoreland zoning district; and<sup>53</sup>
  - g. The structure has a Maximum of seven hundred (700) sq. ft. of floor area excluding any space with a floor-to-ceiling height of less than 6 feet 8 inches, closets, and stairways.<sup>54</sup>

### B. Accessory Residential Structure

1. Purpose. The purpose of these standards are to allow for the construction of a detached less expensive rental unit or the conversion of an existing structure on one (1) lot of ownership to a dwelling unit, thereby allowing two (2) dwelling units on one lot.<sup>55</sup>
2. General Requirements. The addition of an accessory residential structure may be allowed with a permit issued by the Code Enforcement Officer provided that the following are met:<sup>56</sup>
  - a. The structure has a Maximum of seven hundred (700) sq. ft. of floor area excluding any space with a floor-to-ceiling height of less than 6 feet 8 inches, closets, and stairways;
  - b. The structure shall not be located in any shoreland zoning district;
  - c. The structure shall meet all Building Code requirements when completed;

<sup>53</sup> Added 12/6/2014

<sup>54</sup> Added 12/6/2014

<sup>55</sup> Amended 12/6/2014

<sup>56</sup> a-h Amended 12/6/2014

- d. All building, plumbing, electrical permits and applicable fee requirements shall be met;
- e. The structure shall not be sold or transferred as a separate structure on its own lot unless all dimensional requirements for the District in which it located are met;
- f. Adequate off-street parking shall be provided which does not encroach upon required setbacks;
- g. Subsurface Wastewater Disposal Systems shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules; and
- h. A new structure shall meet all setback requirements for a principal structure, converted structures may meet accessory structure setback requirements.

C. Offsite Accessory Structure <sup>57</sup>

- a. Off-site accessory structure can only be a residential use accessory structure, which is accessory to a principal residential use.
- b. Parcel on which the accessory structure is to be located must be a conforming lot or legal nonconforming lot.
- c. The parcel shall be within two-hundred (200) feet of the principal structure.
- d. The structure must meet all setback requirements for a principal structure.
- e. The parcel that the accessory structure is located on cannot be sold separately from the principal use lot, unless the structure is converted to a permitted use.

### 508.7 Multi-Family Dwellings

- A. In districts where permitted, multi-family dwellings may be allowed by the granting of Subdivision approval by the Planning Board in accordance with Chapter 6, the following and other provisions of this Chapter. <sup>58</sup>
- B. Dimensional requirements for all multi-family dwellings shall meet or exceed the following: <sup>59</sup>
  - 1. Where permitted within the area regulated by Title 38, M.R.S.A. Section 435 et seq., (State of Maine Mandatory Shoreland Zoning Act) lot area and shore frontage shall be equal to that required for the equivalent number of single family dwelling units.
  - 2. In the District which the use is allowed, the net residential density shall equal or exceed twenty thousand (20,000) sq. ft. per dwelling unit. Elderly housing Buildings that are served by a public sewer system the net residential density shall equal or exceed five thousand (5,000) sq. ft. per dwelling unit. Residential Apartment Buildings that are served by a public sewer system the net residential density shall equal or exceed ten thousand (10,000) sq. ft. per dwelling unit. <sup>60</sup>
  - 3. Street frontage for three dwelling units shall be not less than the required frontage for a single-family dwelling. Street frontage for more than three units shall be not less than twice what is required for a single family dwelling.
- C. Water Supply - In areas where water supplies are not available for firefighting purposes, the applicant shall provide adequate water supply in accordance with the current National Fire Prevention Association Standards

<sup>57</sup> Added 4-5-2014

<sup>58</sup> Amended 9-24-2008

<sup>59</sup> Amended 4-27-2002

<sup>160</sup> Amended 4-2-2011

<sup>60</sup> Amended 4-4-2015

(NFPA) 1141 and 1142.<sup>60</sup>

- D. Site Maintenance - It shall be the responsibility of the owner or association 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 (6) feet in height and be located a minimum of thirty (30) feet from the structure(s) to help reduce odors near the dwelling and to prevent the spread of fire.
- E. Buffer - A twenty-five (25) foot landscaped or natural vegetative buffer shall be provided and maintained along all property boundaries.
- F. Storm water - Storm water and surface drainage systems shall be designed by a State of Maine registered Professional Engineer.
- G. Access, Circulation and Parking
  - 1. 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 as per Section 507.1.K.
  - 2. 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.
- H. Recreation and Open Space - All developments with six (6) multi-family dwelling units or more shall provide a developed play area not smaller than five thousand (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.<sup>61</sup>

#### 508.8 Accessory Residential Apartments to Commercial Uses<sup>62</sup>

- 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 Officer may issue a permit for one or 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, unless on Public Sewer.
  - 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 through the commercial space.
  - g. The structure shall meet all provisions of the Fire and Life Safety Code and the Building Code administered and enforced by the Town of Poland.

<sup>61</sup> Added 4-27-2002

<sup>62</sup> Added 04/05/2014

**508.9 Mobile Home Parks** <sup>63</sup>

A. Lot Area - For each lot in a Mobile Home Park, there shall be provided a minimum lot area, frontage and setbacks as follows:

1. Lots served by Individual Subsurface Wastewater Disposal Systems.

Minimum lot area:	20,000 sq. ft.
Minimum lot width:	100 ft.

2. Lots served by a central Subsurface Wastewater Disposal System approved by the Maine Department of Human Services.

Minimum lot area:	12,000 sq. ft.
Minimum lot width:	75 ft.

3. The overall density of any Park served by any Subsurface Wastewater Disposal System shall not exceed one dwelling unit per twenty thousand (20,000) sq. ft. of total park area.

B. Minimum Setbacks

1. Structures shall not be located less than fifteen (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.

C. Access

1. Mobile Home lots shall have vehicular access only to interior park roads.

2. Mobile Home Parks serving fifteen (15) lots or dwellings or more shall have at least two (2) connecting points with an arterial street or collector street. Those two connecting points must be separated by a minimum distance equivalent to the safe sight distance for the connecting or arterial or collector street as measured in a straight line, from centerline to centerline of the connecting street.<sup>64</sup>

D. Buffers

1. A fifty (50) foot wide buffer strip shall be provided along all property boundaries that:

- a. Abut residential land which has a gross density of less than half of that proposed in the Park, or
- b. 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.

E. Lot Conveyance

1. 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.

**508.10 Mobile Home Safety Standards** - The purpose of these standards is to establish a condition of safety that will allow Mobile Homes 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 Town of Poland.

(i) A. These standards shall apply to all Manufactured Housing built before June 15, 1976, mobile homes that have been modified without the manufacturer's approval, or not built according to the "National Manufactured

<sup>63</sup> Also know as Manufactured Home Communities

<sup>64</sup> Added 04/05/2014

Housing Construction and Safety Standards Act of 1974”, United States Code, Title 42, Chapter 70, to be located in the Town of Poland: <sup>65</sup>

1. All roofs will require a State of Maine registered Professional Engineer to inspect the roof to determine that the roof and home can withstand snow loads 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; and
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.
4. The Local Plumbing Inspector shall certify compliance that interior plumbing complies with the State of Maine Plumbing Code.

### 508.11 Home Occupations

- A. Home occupations, when not located in the Shoreland Area, which meet the following conditions do not require a permit from the Code Enforcement Officer or Planning Board approval:
  1. Do not employ any persons who do not make the residence their permanent home;
  2. 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;
  3. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes detectable to the normal senses, or electrical interference which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property, and all waste material from the home occupation shall be removed promptly from the premises according to State Laws, this Code, local ordinances and regulations;
  4. Do not generate regular daily or seasonal traffic.
- B. Home occupations, when not located in the Shoreland Area, which meet the conditions in Section 508.11.A.1, 3, and 4, but require an exterior sign do not require Planning Board approval. A sign permit shall be issued from the Code Enforcement Officer, and dimensional requirements shall conform to the standards in Section 508.18.H.1. <sup>159</sup>
  1. No more than one (1) person who does not make the residence his or her permanent home may be employed;
  2. Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;
  - (ii) 3. Except as provided in Subsection 2 above, the appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the residence to differ from its residential character by means of colors, lights and sounds; <sup>66</sup>
  - (iii) 4. There is no objectionable increase in traffic over that which is normal for the neighborhood; <sup>67</sup>
  5. If the home occupation attracts any regular customer or client traffic, there shall be at least two (2) but not more than three (3) off-street parking spaces specifically designated for use by the employee and any customers of the home occupation;

<sup>65</sup> Amended 4-27-2002

<sup>66</sup> Amended 4-27-2002

<sup>67</sup> Amended 9-24-2008

6. 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;
7. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, water-course or water body. The home occupation shall not use chemicals in quantities not commonly found in a residence;
8. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes detectable to the normal senses, or electrical interference which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property and all waste material from the home occupation shall be removed promptly from the premises according to State laws, this Code, local ordinances and regulations;
9. 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;
10. Exterior signage shall comply with Section 508.18 of this Code; and
11. When located in the Shoreland Area, business activities shall be wholly located within the residence.
- (iv) 12. No more than a total three (3) vehicles and equipment trailers used in the home occupation may be parked in the yard. Sufficient off-street parking must be available for the vehicles and trailers. Materials stored on the vehicles must be enclosed inside the vehicle or covered over.<sup>68</sup>

(v)

(vi) C. Yard Sales, Garage Sales, Lawn Sales, etc. – Yard sales are permitted without a need for permit provided:<sup>42</sup>

1. No more than three sales events may occur on any and all lots that have a common owner within any twelve-month period. Neighborhood sales shall have a sales event count as an event for each participating landowner/resident.
2. No single sales event shall last more than ten (10) consecutive days.
3. Total number of days for all sales events shall not exceed twenty-two (22) days.
4. Signs shall follow rules of Section 508.18.
5. Yard sales that do not conform to the above subsection shall be considered a Home Occupation or Business and shall follow the rules governing these activities in this Code.

### 508.12 Septic Waste Disposal

- A. All Subsurface Wastewater Disposal Systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules.) In addition in the Shoreland area the 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 a holding tank is not allowed for a first-time residential use in the shoreland zone.<sup>69</sup>
- B. Before a Building Permit is issued for construction, a Soil Suitability Report shall be prepared by a State of Maine licensed Site Evaluator showing full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

<sup>68</sup> Amended 4-27-2002; Amended 4-30-2005. This pertains to just the vehicles primarily used for the home occupation as interpreted at a Town Meeting by the CEO.

<sup>159</sup> Amended 4-2-2011

<sup>69</sup> Amended 4-04-2009

C. All lots for development in the Shoreland Area shall have a Primary Subsurface Wastewater Disposal System site and have an alternative site.

D. Replacement Systems

1. There shall be no new State of Maine Subsurface Wastewater System Variances granted in Aquifer Protection Overlay Districts and Shoreland Areas for lots which currently have no structures located on them.
2. Replacement systems shall meet the standards for Replacement Systems as contained in the State of Maine Subsurface Wastewater Disposal Rules before a Building Permit shall be issued, the alternate site of a designed replacement Subsurface Wastewater Disposal System shall be designated and that location recorded in the Androscoggin County Registry of Deeds. That location shall have no permanent structures placed on it.

By the recording of an alternate site, the recording shall serve notice to abutters and future owners that the site is planned for future use as a Wastewater Disposal Site as provided for by Title 22, M.R.S.A. Section 42.

E. Location of Off-site Replacement Systems - If a system cannot be designed for a given lot, it may be designed on an adjacent lot, providing the following provisions are adhered to:

1. System supply lines, and electrical lines shall be designed to be replaceable without excavation of existing roadways; and
2. An easement shall be required that sets aside the appropriate land area to cover the system and replacement system as required in Section D. above.
3. If a system is constructed on a nonconforming adjoining lot, or separate lot, that lot cannot be sold as a separate entity.
4. Before a Building Permit shall be issued in the Shoreland Area, the alternate site of a designed replacement Subsurface Wastewater Disposal System shall be designated and that location recorded in the Androscoggin County Registry of Deeds. That location shall not have a permanent structure placed on it.

**508.13 Campgrounds** - Campgrounds shall conform to the minimum requirements imposed under State Licensing Procedures and the following (in cases of possible conflict, the stricter rules shall apply):

A. Bath House (changing facilities related to campgrounds)

1. The minimum setback from the normal high-water line of a water body or upland edge of a wetland shall be as follows:
  - a. Bath houses without plumbing facilities: one hundred (100) feet;
  - b. Bath houses with plumbing facilities: two hundred (200) feet.

B. Size and Residential Setback - A campground shall be constructed on at least ten (10) contiguous acres of land, and all camping units or structures shall be located at least one hundred (100) feet from any residence (except residences belonging to the campground owners).

C. Management - The campground management shall be responsible for operating their premises in accordance with the Town of Poland ordinances, this Code and all State laws and regulations. The maintenance of all open space areas, roads and utilities shall be the responsibility of the management.

D. Storage - Camping trailers and recreational vehicle (RV) units left for storage in a campground during winter months shall be required to pay registration, excise, and other taxes and fees as applicable. The owner of the campground must maintain a file with documents indicating that these fees have been paid for each unit in storage.

E. Mobile Home - No mobile homes shall be permitted within any campground, temporarily or otherwise. No camping unit shall be stored or exhibited for sale for commercial purposes within the park. No trailer in a campground shall

be used for offices, or other commercial use.<sup>70</sup>

- F. Density - Tent sites and sites for RV's shall be laid out so that the density on each development acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads).

	<u>Shoreland Area</u>	<u>Non-Shoreland</u>
Tent sites	14 per acre	8 per acre
RV Sites	11 per acre	7 per acre

- G. Frontage - Minimum frontage along any shoreline shall be three hundred (300) feet. An additional forty (40) feet of frontage per acre developed shall be required above the basic two acres developed (see chart above) The minimum setback from the normal high water line of a water body or upland edge of a wetland shall be one hundred (100) feet for all sites, access roads and structures.
- H. Size - Each recreational vehicle or tent site shall contain a minimum of three thousand (3,000) sq. ft., not including roads and driveways, except it shall be five thousand (5,000) sq. ft. when within two hundred and fifty (250) feet horizontal distance of the normal high water line of any Great Pond, river, stream, or the upland edge of a wetland.

**508.14 Bed and Breakfast** - Minimum requirements for any Bed and Breakfast:

- A. The facility shall be owner-occupied;
- B. There shall be one (1) parking space per rental room in addition to the required parking spaces for the dwelling's permanent occupants;
- C. There shall be a minimum of one (1) bathroom provided per three (3) rooms, in addition to the bathroom(s) for the dwelling's permanent occupants; and
- D. Meals shall be served to registered guests and for private catered events only.<sup>71</sup>

**508.15 Erosion and Sedimentation Controls**

- 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 soils;
  2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches;
  3. Permanent stabilization structures such as retaining walls or riprap; and
  4. All exterior excavation in Shoreland Areas shall be prohibited from March 1st to May 1st in any given year.<sup>72</sup>
- 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 prior to and 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. Erosion and sedimentation control measures must remain in place until the site is permanently stabilized.
- 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, seed, sod, mulch or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

<sup>70</sup> Also known as Manufactured Housing

<sup>71</sup> Amended 4-29-2006

<sup>72</sup> Amended 4-27-2002

1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) sq. ft. 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 outside the disturbed area. Such measures may include the use of staked hay bales and/or silt fences; and
  4. Emergency excavation for the repair of household water supply or septic facilities may be permitted by the Town Code Enforcement Officer. This will require submitting a written Soil Erosion and Sedimentation Control Plan and those measures shall be followed.
- E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm, and shall be stabilized with vegetation or lined with riprap.

#### **508.16 Storm Water Runoff**

- A. Requirements for New Construction and Development - All new construction and development shall be designed to minimize quantity and maximize quality of storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm-water.
- B. Maintenance Requirements - Storm Water Runoff Control Systems shall be maintained as necessary to ensure proper functioning.

**508.17 Timber Harvesting** - Within the Town of Poland timber harvesting shall be conducted in accordance with the Erosion & Sediment Control Handbook for Maine Timber Harvesting Operations Best Management Practices (June 1991 and as amended). Timber Harvesting within the Shoreland Area shall also comply with Section 508.27.L

#### **508.18 Signs**

- A. Purpose - The purpose of these standards is to regulate the location and use of all signage in the Town of Poland, Maine, while promoting the public health, safety, economic development and general welfare of Poland citizens. The standards also seek the most appropriate use of signage in Poland, in order to reduce visual clutter.
- B. Applicability
  1. All signs hereinafter erected, reconstructed, altered, enlarged or moved, and uses of signs shall be in conformity with the provisions of this Section. No sign shall be used for any purpose or in any manner except as permitted within the District in which such sign is located.
  2. All signs erected prior to January 1, 1996 and registered on an approved Town form with Poland's Code Enforcement Officer within thirty (30) days of enactment of this Section shall be legally nonconforming for the purposes of this Code.
- C. Sign Erection and Maintenance
  1. No signs shall be erected or altered unless in conformity with the provisions of this Section.
  2. 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 natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.

All such signs must be properly maintained by the owner thereof or the owner of the premises on which they are located, and any such sign that becomes a nuisance or a hazard to public safety must be promptly repaired or removed from the premises if so ordered by the Code Enforcement Officer.

- D. Relocation - Any legally existing nonconforming sign to be relocated or altered, shall be brought into conformance with the provisions of this Section, except when relocation or alteration is pursuant to a violation order issued by the Code Enforcement Officer. Except for prohibited signs as listed in Section 508.18.I, changes in the content of a nonconforming sign including names, words, logos or similar information shall not constitute an alteration requiring conformance with this Section, as long as the changes do not make the sign more nonconforming and a permit is obtained for the changes from the Code Enforcement Officer.
- E. Traffic and Safety Hazards - No sign shall be permitted which causes a traffic, health, or safety hazard or creates a nuisance due to its illumination, placement, display, or manner of construction. No sign shall be located so as to obstruct views of traffic.
- F. Building and Electrical Codes Compliance - All signs must conform to the Building and Electrical Code as adopted by the Town of Poland, Maine, except as specifically provided to the contrary herein.
- G. Signs Allowed in all Districts without a Permit from the Code Enforcement Officer - The following types of signs may be erected in all zoning districts without obtaining a permit from the Code Enforcement Officer.
1. Public Safety Zones - Governmental bodies may erect and maintain signs necessary for the public safety and welfare, or as required by law, ordinance or governmental regulation.
  2. Posting Private Property - Signs are permitted to post private property for the following or similar conditions; no hunting, no fishing, no snowmobiling, no trespassing, and shall comply with the current State of Maine standards.
  3. Temporary Signs - Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or in any manner create a hazard or nuisance to the general public.
    - a. Organization Signs - Signs and banners advertising charitable functions, notices of meetings, and similar noncommercial signs. These may be placed for a period not exceeding ten (10) days prior to the event and shall be removed within two (2) days after the event or meeting.
    - b. Real Estate Signs
      - (1) Two (2) temporary Real Estate signs advertising the sale, lease or rental of a parcel or structure, may be placed on the sale, lease, or rental property. Within the Farm and Forest, Rural Residential, and Village Zones the maximum sign size shall be six (6) sq. ft.
      - (2) Subdivision of four (4) lots or more shall be allowed one (1) thirty-two (32) square foot Real Estate Development sign. In addition, each lot in the Subdivision shall be allowed one (1) six (6) square foot temporary Real Estate sign.
      - (3) Within the Shoreland Area, temporary Real Estate signs shall not be more that three (3) sq. ft.
      - (4) For Commercial Development other than Subdivisions, in the General Purpose, Farm and Forest, and Village Zones, a temporary Real Estate sign of thirty-two (32) sq. ft. shall be permitted. One thirty-two (32) square foot sign per six hundred (600) linear feet of road frontage, for a maximum of three (3) signs per development, is allowed.

Such signs, as described in this Section, shall be removed by the owner or his agent within ten (10) days of such sale, lease, or rental. Temporary Open House directional signs shall be removed within twenty-four (24) hours after the Open House is over. The sign(s) may be attached to a building or be freestanding.
    - c. Construction - A temporary construction sign, providing a general identification of a project and those responsible therefore, may be erected on the construction site provided it shall not exceed sixteen (16) sq. ft. for residential construction, and shall be removed within ten (10) days after the project completion. For commercial development in the General Purpose, Farm and Forest, Village, and Rural Residential Zones, a temporary Construction sign of thirty-two sq. ft. (32 sq. ft.) is permitted.

Commercial Development Projects are defined as any project other than one and two family dwellings and

accessory residential structures.

- d. Home Sales - A sign advertising a temporary home, yard, garage, barn or basement sale on the premises may be placed for no more than three (3) days prior to said sale and shall be removed within twenty-four (24) hours of the end of the sale. Maximum number of Yard Sale signs limited to two (2) per year.
- e. Political Signs - Signs of temporary nature relating to political candidates, election issues, or similar matters shall not exceed six (6) sq. ft. and may be placed for a period of six (6) weeks prior to the election on private property only, with the property owner's permission. Such signs shall be removed within one (1) week following the election.
- f. Temporary Signs, Banners, Decorations - Upon approval of the Municipal Officers, temporary signs, banners, flags and other decorations may be attached to or suspended from public canopies when in relation to a special event.
- g. Signs that are located and displayed inside the building, whether visible outside of the building through a window or door.<sup>73</sup>

4. Occupant Signs - Any residential property may contain one (1) sign not exceeding six (6) sq. ft. in area and being noncommercial in nature. These signs may be freestanding or attached to a building or structure.

- a. House Numbering Signs - In conformance with the Street Naming and House Numbering Ordinance of the Town of Poland, Maine adopted November 9, 1995.

5. Flags

- a. Any flag of a commercial nature shall be considered a sign.
- b. An Open for Business flag (not to exceed fifteen (15) sq. ft.) is permitted, one (1) to a business, displayed during operating hours only, and to be removed at the end of the business day. Square footage not counted in total signage.

6. Public Notices - Legal Notices, Identification, Informational or Directional signs erected or required by governmental bodies.

7. Architectural Features - Integral, decorative or architectural features of buildings, except letter, trademarks, moving parts or lights.

8. Memorials - Memorial signs or tablets, names of buildings and date of erection when cut into masonry, bronze or other noncombustible materials.

9. Off Premise Business Promotional Signs - Business Promotional signs attached to fences surrounding non-profit recreational sports facilities. Signs shall not exceed the height of the fencing that they are attached to, and in no case shall they be more than ten (10) feet in height.<sup>74</sup>

(vii)

H. Signs Requiring a Code Enforcement Officer Sign Permit - The following types of signs may be erected in all Zoning Districts except shoreland zones following the issuance of a permit from the Code Enforcement Officer. Such signs shall not be counted toward the total area of signage allowed.<sup>75</sup>

1. Identification Signs - A sign identifying a lawfully existing home occupation, home child or group child care facilities operated in conjunction with a residential use, is allowed on the premises, providing the sign does not exceed four (4) sq. ft. in display area.

2. Institutional Signs - A single sign may be erected for noncommercial purposes in connection with any church, museum, library, school or similar public structure. Such signs shall not exceed twenty-five (25) sq. ft. in

<sup>73</sup> Added 4-4-2015

<sup>74</sup> Amended 4-27-2002

<sup>75</sup> Amended 4-4-2015

display area.

3. Driveway Signs - Entrance and Exit signs may be placed at driveways and shall not obstruct the view of traffic. Such signs shall not exceed two (2) sq. ft.
  4. Farm Products - Not more than two (2) signs advertising the sale of farm or forestry products available on the premises. Each sign shall not exceed sixteen (16) sq. ft.
  5. Building Directory - A sign may be attached at the entrance to a building to identify the occupants for pedestrians entering the building and shall be in addition to any other signs permitted by this Section. A Building Directory sign shall not exceed six (6) sq. ft.
  6. Advertising and Promotional Signs - Signs, banners and similar specialty advertising devices used temporarily in conjunction with special events or sales, provided they are used for ten (10) working days or less and are located on or attached to the premises where the sale or event is occurring. Within the first eighteen (18) months of the opening of a new business, these types of devices may be utilized for not more than one hundred eighty (180) days after opening, provided they do not exceed the allowable sign area.
- I. Sign Standards - The following standards shall govern the erection of signs. Any permitted sign shall be erected, changed or relocated only after a permit is obtained from the Code Enforcement Officer in accordance with the provisions of the Building Code. Permitted signs shall be considered to be accessory to the principal use of the premises and shall pertain only to activities or products available on the premises.
1. Signs may be illuminated only by the following means:
    - a. By a white, steady, stationary light of reasonable intensity shielded, directed inward and downward, and directed solely at the sign and not casting incidental light off the premises.<sup>76</sup>
    - b. By interior non-exposed lights of reasonable intensity.
    - c. An illuminated sign or lighting device shall not be so placed or directed so that it constitutes a traffic hazard or nuisance through glare or reflection upon a public street, highway, sidewalk or adjacent premises.
  2. Permanent Sign Types and Standards for Farm and Forest and Rural Residential Zoning Districts. The following standards shall govern the installation of signs in the Farm and Forest and Rural Residential Districts.<sup>77</sup>
    - a. Any sign attached to building shall be a wall sign.
    - b. Any freestanding sign shall have a maximum height to the highest point of the sign area of twelve (12) feet above the adjacent road grade.
    - c. Signs may be illuminated internally or externally.<sup>78</sup>
    - d. Total square footage shall not exceed twenty-five (25) sq. ft. No single sign to exceed sixteen (16) sq. ft., except for those signs herein specifically defined.
    - e. Signs may be attached to a building or detached and located in the front yard describing an apartment house, residential development, or other legally conforming use.
  3. Permanent Sign Types and Standards Permitted for Downtown Village, Village 1, 2, 3, and 4, and General Purpose 1, 2, and 3 Zoning Districts:<sup>79</sup>
    - a. Awning Signs: (refer to Section 508.18.1.3.j - special requirements)

<sup>76</sup> Amended 4-29-2006

<sup>77</sup> Amended 4-4-2015

<sup>78</sup> Also known as Manufactured Housing

<sup>79</sup> Amended 4-4-2015

- b. Single-faced or Multiple-faced Ground signs: Provided no permanent ground sign shall have less than four (4) foot clearance above grade and no permanent ground sign or structural support shall extend higher than fifteen (15) feet above grade or if the sign is affixed to or is part of a structure, such sign or structural support shall not exceed more than five (5) feet above the peak of the roof. Ground signs with less than four (4) foot clearance above grade or taller than fifteen (15) feet above grade shall be permitted if it is determined by the Code Enforcement Officer, following an on-site inspection of the premises, that the proposed sign's height is due to the natural ground elevations and its structural support will not create or aggravate a safety hazard, however no sign shall extend higher than twenty-five (25) feet above grade.
- c. Single-faced or Multiple-faced Marquee signs: Provided no marquee sign or structural support may extend higher than the second story window sills unless the walls are covered by a windowless facade.
- d. Single-faced or Multiple-faced Projecting signs: Provided no projecting sign may extend higher than the second story window sills or fifteen (15) feet above grade, whichever is higher, or lower than ten (10) feet above grade. No sign shall project more than five (5) feet from the building and may not extend beyond the lot line.
- e. Wall signs: Provided no wall sign or structural support may cover any portion of a visible window or window detail above the first story.
- f. Window signs: Provided that the area of a permanent window sign may not exceed twenty-five percent (25%) of the area of the window on which it is mounted or in which it is located.
- g. Beverage signs: Each retail grocery store may display one (1) illuminated malt beverage display sign in addition to one (1) other illuminated or non-illuminated display sign.
- h. Sign Illumination: Signs on Routes 11, 26, 121, and 122 may be illuminated internally or externally, only during business hours.
- i. Sign Area: The total area of all signs on a parcel shall conform to the following maximum aggregate sign area requirements. For multiple-faced signs, the area of one face shall be included in the computation of the aggregate sign area:
  - (1) Each premises shall be permitted one (1) freestanding ground sign. For lots located in the Downtown Village District, the permitted freestanding ground sign shall have a maximum sign area of thirty two (32) sq. ft. In all other Village and General Purpose Districts the maximum sign area of the permitted free standing sign shall be sixty-four (64) sq. ft. In addition a thirty-two (32) square foot changeable letter sign attached to the same freestanding ground sign is permitted. In addition, each business entity is permitted additional sign area not to exceed five percent (5%) of the gross wall area of the principal facade of the building or structure up to a maximum of thirty-two (32) sq. ft., in the form of awning, marquee, projecting wall, or window signs attached to the building or structure in which the business is located.
 

Parcels of land subdivided for purposes of nonresidential development or a single parcel developed with multiple uses are permitted an additional sixteen (16) sq. ft. of signage per business or use, up to an additional maximum one hundred twenty eight (128) sq. ft. of sign area, all to be located on the same freestanding ground sign. Such signage shall be located at the principal entrance. For multi tenant business parks, or shopping centers, an additional freestanding ground sign of sixteen (16) sq. ft. is permitted at other major vehicular entry points located on arterial streets, provided such signs are not readily concurrently visible with any other freestanding ground signs located on the premises. In addition a changeable letter sign of eight (8) sq. ft. attached to the same free standing ground sign is allowed at secondary vehicular entry points.
- j. Special requirements. For the purposes of this Section, the following special requirements apply:
  - (1) Awnings with graphic displays shall meet the applicable sign standards.
  - (2) No part of any sign may extend above the level of a flat roof or the eaves of any other type of roof,

except signs are allowed on lower mansard roofs and false fronts that project above eaves of pitched and flat roofs.

(3) Signs may be illuminated provided that illuminated signs shall not be a nuisance to the abutting property owners and lighting time limits may be prescribed by the Poland Planning Board.

(4) Signs must comply with current Maine State law regarding setback requirements.

k. Changeable Signs – Provided the sign may be changed no more than once every 5 seconds. No sign can flash or display continuous streaming of information or video animation; and the display may comprise no more than 50% of the surface area of a changeable sign. No more than one changeable sign with 2 sides is allowed per lot of record.

4. Permanent Sign Types and Standards Permitted for Shoreland Areas. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Commercial and Residential Districts:

a. Signs relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed four (4) sq. ft. in area and shall not exceed one (1) sign per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

b. Name signs shall be permitted, provided such signs shall not exceed one (1) sign per premise.

c. Residential users may display a single sign not over three (3) sq. ft. in area relating to the sale, rental, or lease of the premises.

d. No sign shall extend higher than eight (8) feet above the ground.

e. Signs may not be illuminated except with Planning Board approval.

#### J. Portable Signs

1. Portable Signs Permitted - Any lot located in the Downtown Village, General Purpose or Village Districts shall be permitted one (1) portable sign of not more than thirty-two (32) sq. ft. in sign area for a maximum of sixty (60) days, starting the date of issue of permit, in any twelve (12) month period in addition to other signs permitted by this Section.<sup>80</sup>

2. Permit Required - A Sign Permit shall be obtained from the Code Enforcement Officer prior to installing the sign. The application shall specify the location of the sign and use, and shall be accompanied by a fee as established by the Town of Poland Fee Schedule.

3. Location - A Portable sign shall be located outside of the street right-of-way in such a manner that it will not obstruct or impair vision of traffic or in any way create a hazard or nuisance to the public. The electrical service is to be approved by the Electrical Inspector upon installation.

4. Not Permitted - No flashing, moving, animated, or articulated signs are permitted.

#### K. Official Business Directional Signs

1. Authority - The provisions of this Section shall govern the installation and maintenance of Official Business Directional Signs authorized by the Maine Traveler Information Services Act, Title 23, M.R.S.A. Sections 1901-1925, and as amended.

2. Qualifying Uses - The following uses are qualifying uses, provided they are located on State Highway Routes 11, 26, 121 and 122, and Minor Collector Roads, the Empire Road, Megquier Hill Road and Plains Road.

a. Traveler information center, except those facilities of which the primary activity is the provision of commercial services.

<sup>80</sup> Amended 4-4-2015

- b. Schools, high schools, and colleges.
  - c. Cultural facilities and historic monuments.
  - d. Arenas.
  - e. Outdoor recreational facilities.
  - f. Public accommodations and commercial businesses, the majority of whose users are tourist or the traveling nonresident public.
  - g. Retail agricultural operations in which the gross income that can be attributed solely to sales exceeds two thousand five hundred (\$2500) dollars per year.
3. Additional Requirements - Official Business Directional Signs shall be installed and maintained in accordance with the requirements of the Maine Traveler Information Act, Title 23, M.R.S.A. sections 1901-1925, and as amended, and other regulations adopted pursuant to said statutes.
- a. Additional requirements.
    - (1) The minimum distance between Official Business Directional Sign posts shall be a least three hundred (300) feet as measured along the shortest straight line.
    - (2) An Official Business Directional Sign may be installed only upon issuance of a permit pursuant to this Section and approval by the police and fire departments.
    - (3) No Official Business Directional Sign shall be placed closer than two hundred (200) feet from the property line of a commercial business offering directly competing goods or services.
    - (4) An Official Business Directional Sign shall be located no closer than two hundred (200) feet or further than twenty-five hundred (2,500) feet from an intersection where a change in direction as indicated in said sign is required.
    - (5) No more than three (3) Official Business Directional Signs may be attached to an individual sign post assembly. No new sign post assembly shall be installed until existing sign post assemblies suitable for any newly proposed Official Business Directional Sign contain the maximum number of permitted signs.
- L. Prohibited Signs - The following signs are prohibited in all areas of the Town of Poland, except as otherwise provided in this Section.
- 1. Off-Premises Signs - An outdoor sign bearing a commercial or business name, symbol, logo or message, located on any premise other than where the project, service or activity is located. Exceptions: Publicly erected information kiosks and Official Business Directional Signs in accordance with Section 508.18.K and business promotional signs attached to fences surrounding non-profit recreational sport facilities and house number identification signs.
  - 2. Moving or Flashing Signs - Signs, other than barber poles, time and weather devices, and public service signs, that have visible moving parts or blinking, moving or glaring illumination.
  - 3. Signs in Street Right-of-Ways - No sign except traffic and similar public safety signs, erected in accordance with this Section, Official Business Directional Signs erected in accordance with Section 508.18.K, and publicly erected information kiosks or sign boards shall be located in the public right-of-way of any street or highway.
  - 4. Terminated Businesses - Signs relating to any business which has been out of business for more than six (6) months. The owner of the property or his agent shall be responsible for removing such signs.
  - 5. Signs on Natural Features - No signs shall be permitted which are erected, painted or maintained upon trees, rocks, or other natural features, as stated under current State of Maine law.

- A. Purpose - The purpose of these standards is to regulate, in an environmentally sensitive manner, the removal, processing and storage of topsoil, loam, rock, sand, gravel, or other similar materials. These standards are intended to protect the public health, safety, and welfare and to minimize the impact to the Town and its people by:
1. Protecting groundwater and surface water quality;
  2. Preventing the lowering of the groundwater table;
  3. Controlling erosion and sedimentation;
  4. Requiring rehabilitation of pit expansions and new pit operations; and
  5. Limiting access to sites by unauthorized persons.
- B. The following activities are exempt from this Section:
1. Exploratory excavation whose sole purpose is the determination of the nature and/or extent of mineral resources. Any areas disturbed by such excavation shall be regraded to the original elevation.
  2. When outside the Shoreland Zoning Districts, the removal of less than two hundred (200) cubic yards of material (except topsoil) from or onto any lot in any one (1) year, provided such removal does not disturb more than one (1) acre of land. The removal of more than twenty (20) cubic yards of topsoil or loam from a site is not an exempt activity unless it is undertaken as part of an approved construction project, is part of normal farm operations or the topsoil or loam is being moved for use on a contiguous site having the same ownership.<sup>81</sup>
  3. The removal, filling or storage of material (excluding opening of gravel or borrow pit(s) incidental to construction, alteration, maintenance or repair of a building or the grading and landscaping incidental thereto.
  4. The removal, filling or storage of material (excluding opening of gravel or borrow pits) incidental to construction, alteration, maintenance or repair of a public or private way.
  5. The construction of farm and fire ponds.
  6. Drilling of a well or excavation for a dug well.
- C. Existing Excavated Areas, Expansions and Newly Proposed Excavations - Existing Excavated Areas whose boundaries are not expanded are not subject to the rehabilitation requirements of Section 508.19.G, unless a Reclamation Plan was required as a part of the issuance of a permit by the Planning Board or as part of a Department of Environmental Protection (D.E.P.) approval under the Site Location of Development Law.
1. Existing Excavated Areas as of June 4, 1994 which are expanded, are subject to rehabilitation requirements only on the expanded portion of the operation.
- D. Permit Renewal - After initial approval by the Planning Board, annual applications for permit renewal shall be subject to the inspection of the operation by the Code Enforcement Officer. Authority to renew the permit is delegated to the Code Enforcement Officer, provided that all applicable regulations and conditions are being met. Every five (5) years, renewal of the permit is subject to the approval of the Planning Board provided that all applicable regulations and conditions are being met:
1. Fees for the initial applications for new Surface and Subsurface Excavation Operations, existing Operations, and annual renewal fees shall be set by the Municipal Officers in accordance with the Town of Poland Fee Schedule. Fees shall be paid on or before March 1st and each March 1st thereafter, as long as the operation continues. Renewal applications not filed on time are subject to penalty provisions as provided by this Code;
  2. All Renewal Permits shall take effect on July 1st of each year;
  3. Unless renewed, all permits issued hereunder shall expire on June 30th of each year;

<sup>81</sup> Amended 4-27-2002

4. A change in ownership shall require a permit renewal from the Planning Board within sixty (60) days of transfer of ownership;
  5. Any operation shall be deemed closed after permit expiration or when the operation itself has ceased for one (1) year; and
  6. Existing operations which were registered with the Code Enforcement Officer by June 4, 1995 shall be considered as legally nonconforming. A Sketch Plan to include: size, shape and area of the existing pit, the date of origination, property lines, excavated area dimensions, is to be included upon registration.
- E. Permit Application Requirements for New or Expanded Surface and Subsurface Excavation Operations - Applications shall be submitted to the Code Enforcement Officer on forms provided for that purpose. Applications shall be approved by the Planning Board. In addition the submission requirements contained in Section 509.8 shall include the following:
1. Name and address of current operator;
  2. Site Plan prepared by a State of Maine registered Professional Engineer and/or State of Maine registered Land Surveyor, drawn to a scale appropriate for the size of the tract, preferably not smaller than one (1) inch equals fifty (50) feet or other scale as determined by the Planning Board, showing the location and boundaries of the existing parcel. The Site Plan shall include the following information:
    - a. Boundaries of proposed excavation, existing excavated areas, including identification of the extent of the resource in number of acres;
    - b. present use of the entire parcel including existing excavated areas;
    - c. Type and location of all existing and proposed surface water bodies within the site or within two hundred fifty (250) feet of site, including drainage ways;
    - d. Location of all proposed access roads, temporary and permanent structures and parking areas;
    - e. Depth of proposed excavation;
    - f. Location of existing wells;
    - g. In all pits, land contours within the pit and two hundred (200) feet beyond the parcel shall be five (5) foot contour intervals;
    - h. proposed hazardous materials storage areas; and
    - i. Depth to groundwater at representative points throughout the site as determined to be the historic mean groundwater level by a State of Maine certified Soil Scientist or a State of Maine certified Geologist. A permanent monitoring well(s) may be required.
  3. Plan for controlling unauthorized access to the site;
  4. Plan for screening the excavation from the surrounding properties with adequate all season buffering, including existing and proposed vegetation, fences, earth berms and similar materials;
  5. Estimated longevity of the operation. Any operation which is proposed to operate for a period of time in excess of five (5) years shall be designed to operate in phases, if possible;
  6. A Final Rehabilitation Plan including final grading, shaping, Surface Stabilization Plans, seeding, planting, showing contours at five (5) foot intervals as proposed, following completion of the operation with such plans endorsed by the Androscoggin Valley Soil and Water Conservation District or an agency approved by the Planning Board. The Plan shall provide for drainage and erosion and sedimentation control. The proposed use of the property at completion of the project shall be described. A time schedule for rehabilitation shall be included;

7. Required State and/or Federal permits, including Maine Department of Environment Protection permit if applicable;
8. Proof of financial capacity will be required covering the cost of the Rehabilitation Plan. Bond amounts may be determined by the time schedule for excavation and rehabilitation;
9. Spill Control and Countermeasure Plan;
10. A pre-blast survey within a one half (1/2) mile radius, of foundations and abutting wells, may be required for ledge operations only; and
11. A Plan to provide notification prior to blasting including notification of the Fire Department.

#### F. Plan Review

1. The Planning Board shall review each application for a permit according to the procedures and provisions of this Section and Section 509.7.
2. The Planning Board may impose such conditions as are necessary. The Plan Review shall take into consideration the following in addition to the provisions contained in Section 509.9:
  - a. Fencing, landscaped buffer strips, and other safety measures such as plans for controlling access to the site;
  - b. Total estimated life of pit;
  - c. Methods of operation;
  - d. Area and depth of site;
  - e. Disposition of stumps, brush and boulders;
  - f. Storage of materials (e.g., petroleum products, salt, hazardous materials, rubbish, creosoted lumber, explosives, on the property);
  - g. Routes for transporting materials;
  - h. Reclamation Plan;
  - i. Hours of operation may be limited to 7:00 A.M. to 7:00 P.M. A longer range of operating hours may be permitted by the Planning Board upon finding that operation will not negatively impact neighboring residential properties. Burden of proof shall lay with the applicant in providing sufficient evidence of **no** negative impact, such as, but not limited to, noise and traffic impact studies;
  - j. Loaded vehicles shall comply with all State laws, this Code, local ordinances and regulations. Trucking routes and methods shall be subject to approval by the Planning Board to minimize impact to residential areas;
  - k. At the close of each day of operation spillage of extracted materials on public streets shall be removed by the licensee or his or her agent and/or the trucking operation(s) having any liability for such spillage;
  - l. All Extraction Operations shall occur outside the public right-of-way. Operations may include but are not limited to parking, loading and unloading;
  - m. Emission of dust, dirt, fly ash, or fumes at any point beyond the lot lines shall be prohibited;
  - n. Petroleum products, highly flammable or explosive liquids, solids, or gases shall be located in bulk, above ground, in anchored tanks, having a secondary containment system for the control of spills and leaks, and be located at least seventy-five (75) feet from any lot line, Town way or interior roadway. The use of

underground tanks is prohibited;

- o. Applicant will preserve any areas of artifacts of any historical or archaeological significance and notify the State Historic Preservation Commission and the Town of Poland, Maine;
  - p. There shall be no storage on/in the pit of any substances that could produce harmful leachate unless such substances are placed under cover and on an impermeable, spill-proof base. Such potentially deleterious substances include, but are not limited to salt, rubbish, creosoted timber and petroleum products;
  - q. There shall be no dumping in or on the pit of any substances that could produce harmful leachate. Such potentially deleterious substances include, but are not limited to, rubbish, creosoted timber and petroleum products;
  - r. No oiling of access and haul roads is permitted;
  - s. No gravel shall be excavated below a position that is two (2) feet above the seasonally high water table without approval of the Maine Department of Environmental Protection and the Planning Board;
  - t. 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; and
  - u. Access to the pit shall be strictly controlled.
- G. Rehabilitation Plans - Any operation shall be deemed closed ninety (90) days after its permit expires or has ceased operations for one (1) year. The site shall then be rehabilitated in accordance with this Section. The Rehabilitation Plan shall be implemented and completed within six (6) months. Rehabilitation of any continuing operation shall be conducted in phases. The following minimum requirements shall be met:
1. Specific Plans shall be established to avoid hazard from excessive slopes. Remaining embankments shall be graded at a slope not steeper than one (1) foot vertical to two (2) feet horizontal. In the case of rock quarries, walls shall be structurally stable and fenced to protect public safety;
  2. Seeding, planting and loaming as approved in the Rehabilitation Plan, shall be accomplished so that exposed areas are stabilized and erosion is minimized. These areas shall be guaranteed for twelve (12) months during which time the surety bond shall remain in full force and effect;
  3. Trees may be required for a visual and acoustical buffer, between the property and adjacent properties if a natural buffer does not exist;
  4. Strippings shall be redistributed over the pit area or removed from the parcel. Tree stumps and grubblings from the site may be used to stabilize the banks, provided that the practice also complies with the Maine Department of Environmental Protection regulations regarding stump disposal. The areas of pits with solid or broken ledgerrock shall be trimmed of loose rock and the bottom of the pit graded to be compatible with the surroundings;
  5. The pit shall be contoured so that sediment is not directed into any streams or driveways;
  6. Grading and restoration shall be completed in such a manner that will ensure natural drainage, prevent standing water and minimize erosion and sedimentation. Storm drainage and water courses shall leave the location at the original natural drainage points or in a manner such that amount and velocity of the flow at any point is not significantly increased;
  7. A yearly report shall be filed with the Planning Board indicating the site conditions until the planting and seeding is complete;
  8. The extent and type of fill shall be appropriate to the use intended. For example, if the reclaimed pit site is to be used as a building site, special measures will have to be taken to ensure support of the structure. The applicant shall specify the type of fill to be used; and

9. A Planting Plan, which will meet the requirements established by the Environmental Quality Handbook, and as amended, shall be submitted as part of the Rehabilitation Plan.

H. Liability Bond Requirements - A Liability Bond issued by a commercial surety company authorized to do business within the State of Maine, or an interest bearing trust account payable to the Town of Poland, or an irrevocable letter of credit, cash or certified check payable to the Town of Poland, may be posted by the owner/operator in an amount recommended by the Town Manager or his authorized agent, and with the advise of the Androscoggin Valley Soil and Water Conservation District, as sufficient to guarantee conformity with the provisions of the permit approval for the rehabilitation of expansions of existing and new operations.

**508.20 Towers, Commercial** - The following standards shall apply to all agricultural, commercial, utility or industrial towers, including, without limitations, transmission towers, communication towers, water storage towers and towers mounted on buildings.

- A. All towers shall be equipped with step bolts or ladders to be readily accessible for inspection purposes. Guy wires or other accessories shall not cross or encroach upon any street or other public space, be located over electric power lines or encroach upon any other privately owned property without written consent of the owner.
- B. All towers shall be constructed of corrosion-resistive noncombustible materials and be of such colors as to match or blend with the surrounding natural or built environment, to the maximum extent practicable unless otherwise required by Federal or State agencies.
- C. Towers shall be designed for the dead load plus ice load and wind load. Telecommunication towers shall comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled Structural Standards for Steel Antenna Towers And Antenna Supporting Structures.
- D. All towers shall be setback from the property lines by one hundred percent (100%) of the tower's height.
- E. All towers shall be illuminated only as necessary to comply with Federal Aviation Administration or other applicable State and Federal requirements. Security lighting may be used as long as it is shielded to be down-directed to retain light within the boundaries of the site, to maximum extent practicable.
- F. A commercial tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of the abandoned tower in writing by certified mail return receipt requested and order the removal of the tower within ninety (90) days of the receipt of the written notice. The owner of the tower shall have thirty (30) days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the tower has not been abandoned.

If the owner of the tower fails to show proof that the tower is in active operation, the owner shall have sixty (60) days to remove the tower. If the tower is not removed within this time period, the Town may remove the tower at the owner's expense. The owner shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads and reestablishment of vegetation.

G. As a condition of approval the Planning Board may require the owner of a tower to negotiate in good faith for co-location.

#### **508.21 Off-Street Parking**

- A. A use shall not be expanded 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. All parking areas on all non-residential 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 off-street parking to be located within three hundred

(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. 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 four (4) inches in width. Where double lines are used, they should be separated a minimum of twelve (12) inches on center.
- J. In aisles utilizing diagonal parking, arrows shall be painted on the pavement to indicate proper traffic flow and pedestrian movement.
- 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.
    - a. Up to twenty percent (20%) 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.
    - b. Handicapped parking spaces shall comply with the American with Disabilities Act.
- M. Off-street parking spaces shall be provided to conform with the minimum number required in the following schedule.

**Table 508.21.M / MINIMUM PARKING STANDARDS**

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 & 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

Activity	Minimum Required Parking
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 per 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.

**508.22 Individual Lot Phosphorous Management**

- A. Purpose - The purposes of these standards are to maintain the water quality of lakes and ponds in Poland and those it shares with adjacent communities by controlling the transport of phosphorous from their direct watersheds.
- B. Applicability of Standards
  1. 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.
    - a. 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.
    - b. New residential structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.
    - c. 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 three hundred (300) sq. ft. of impervious surface that have not received approval by the Planning Board that included a Phosphorous Export Analysis.

2. The following are exempt from this Section:

- a. Legally existing buildings and uses as they existed at the time of adoption of this Code; and
- b. 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 phosphorus export pursuant to Phosphorus 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).

C. Application Procedure - Before issuing a Building or Use Permit the Code Enforcement Officer shall review and approve an application for Phosphorus Management Control.

1. Submission Requirements

- a. The tax map and lot number of the lot and the name of the direct lake/pond watershed in which it is located.
- b. 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:
  - (1) The location and dimensions of all existing and proposed structures and driveways;
  - (2) Existing ground cover (woods, fields, lawns, etc.);
  - (3) Areas to be cleared for construction or landscaping;
  - (4) Present or proposed location of Subsurface Wastewater Disposal System; and
  - (5) Drainage patterns.
- c. A photograph of the project site.

2. Application Review - The Code Enforcement Officer shall review and approve a Phosphorus Management Control Permit based on one of the following methods.

- a. Point System - The Code Enforcement Officer shall issue a Phosphorus Management Control Permit if the applicant meets or exceeds thirty (30) points based on the following schedule.<sup>82</sup>
  - (1) 10 points for correcting an existing erosion problem on the project site.
  - (2) 10 points for a clearing limitation of less than 20% of the lot or 15,000 sq. ft. whichever is less.
  - (3) 15 points for a clearing limitation of less than 15% of the lot or 10,000 sq. ft. whichever is less.
  - (4) 15 points for the installation of rock-lined drip edges or other infiltration system to serve the new construction.
  - (5) 20 points for a 50 foot wide buffer located down slope of the developed area.
  - (6) 25 points for 75 foot wide buffer located down slope of the developed area.
  - (7) 30 points for a 100 wide buffer located down slope of the developed area.
- (viii) b. Alternative Calculation - The Code Enforcement Officer may use the phosphorus export calculations based on Appendix A of the Maine Erosion and Control handbook for Construction Best Management Practices, (March 1991 and as amended).<sup>53</sup>

<sup>82</sup> Amended 4-27-2002

- c. Technical Analysis - The Code Enforcement Officer shall issue a Phosphorus Export Transport Permit if the applicant does not exceed the Phosphorus Export Per Acre as identified in the Section 509.9.H.

D. Performance Standards

1. Erosion - Existing erosion problems shall be corrected according to the Maine Erosion and Control Hand Book for Construction Best Management Practices, (March 1991 and as amended).
2. Clearing Limitations - Clearing limitation shall be determined based on the area where the natural vegetation is to be removed and converted to structures, gravel or paved surfaces and lawns.
3. Rocked-lined Drip Edges - A trench 6 to 8 inches in depth and 12 to 16 inches in width, filled with 3/4 inch crushed stone, centered beneath the roof edge drip line.
4. Other infiltration Systems - Other infiltration systems shall be designed according to the Maine Erosion and Control Hand Book for Construction Best Management Practices, (March 1991 and as amended).
5. Buffers
  - a. Existing Buffers - Existing buffers will be located and maintained according to Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Chapter 5 Maine DEP al., September 1989 with revision in 1992 and as amended).
  - b. Created Buffers
    - (1) Natural Occurring - The natural occurring buffer shall be created by allowing the natural progressing of vegetation to develop by the lack of mowing.
    - (2) Planted Buffers - Any planting or revegetation required 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 504.3.A.2.b and the ground cover requirements of paragraph 504.3.A.2.c when the vegetation matures within the fifty (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 eighty (80) sq. ft. of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The Planting Plan must include a mix of at least three (3) native tree species found growing in adjacent areas with no one species making up more than fifty percent (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.
    - (3) 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 the area is returning to its natural state.

**508.23 Non-Residential Accessory Structures** - The Code Enforcement Officer may approve accessory structures to commercial, manufacturing and industrial structures and uses of less than one thousand (1,000) sq. ft. in total floor area after review and approval for compatibility. 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. The addition of one thousand (1,000) sq. ft. or more of accessory structure(s) for the life time of the use shall require Site Plan Review approval in accordance with Section 509.

- A. The proposed structure shall be related harmoniously to the terrain, to existing buildings in the vicinity that have a visual relationship to the proposed accessory structure and to have minimal adverse affect on the environment, aesthetic qualities of the developed and neighboring areas and comply with the applicable standards contained in Section 509.9.

- B. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
- C. Colors shall be harmonious with the principal structure and shall use compatible accents; and
- D. Proposed exterior lighting shall be part of the architectural concept.

**508.24 Adult Book/Video Stores and Adult Entertainment Facilities** - The standards for Adult Book/Video Stores and Adult Entertainment Facilities are to regulate the density of such uses is intended to permit the location of such uses in the community, yet ensure that they will not become overly concentrated in neighborhoods or areas to the detriment of other uses.

- A. The minimum distance between such uses and other such uses shall be a minimum of five hundred (500) feet as measured along the shortest straight line between the main entrance of each business.
- B. Such uses shall not be located within one thousand (1,000) feet of a residence, school, church, playground, park or other area where minors congregate.

#### **508.25 Site Conditions**

- A. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site areas 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 Plan. Any non-permitted removal of greater than one thousand (1,000) cu. yd. in a twelve (12) month period must be approved by the Code Enforcement Officer or Planning Board according to Section 508.19.

#### **508.26 Exterior Lighting**

- A. 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 fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorist, pedestrians, or from adjacent dwellings and so they do not unnecessarily light the night sky. Direct or indirect illumination shall not exceed 0.5 foot-candles at the lot line or upon abutting residential properties and residential properties that are in direct view of the exterior lighting fixture(s).
- B. All exterior lighting, except security lighting, on a site of a commercial or industrial use must be turned off during non daylight hours, unless open for business during that period.
- C. Replacement of exterior lighting fixture(s) on properties used for any other purpose than one- and two-family dwelling units shall meet the requirements of paragraph A of this section. Exception: This does apply to one- and two-family dwellings when a home occupation requires exterior lighting.<sup>83</sup>
- D. Public outdoor arenas (such as but not limited to ice rinks, tennis courts, and playing fields) may be exempt from the requirements for light intensity and spill over onto other properties during the evening hours for sporting and other organized events at the arena. All high intensity lighting for the arena shall be shut off within thirty (30) minutes of the completion of the game or event. All exterior lighting for the arena and surrounding area shall meet the standard lighting condition of Section A. through C. above within sixty (60) minutes of completion of the game or event.<sup>84</sup>

**508.27 Shoreland Areas** - The following provisions shall apply only to the land areas that are depicted on the Official

<sup>83</sup> Amended 4-30-2005

<sup>84</sup> Added 4-07-2007

Land Zoning Map and are within:<sup>85</sup>

1. Two hundred fifty (250) feet, horizontal distance, of the normal high water line of any Great Pond;
2. Two hundred fifty (250) feet, horizontal distance, of the normal high water line of any stream or river that drains an area of twenty-five (25) square miles or more;
3. Two hundred fifty (250) feet from the upland edge of a non-forested freshwater wetland;
4. Two hundred fifty (250) feet horizontal distance of streams rated as high value fisheries habitat by the Town of Poland's Comprehensive Plan; and
5. Seventy-five (75) feet, horizontal distance of the normal high water mark of certain defined streams.

A. Table of Land Uses in Shoreland Area - All land use activities, as indicated in the Table, "Land Uses in the Shoreland Area," shall conform to all use standards in this Code, Chapter and Section.

Key to Table:

- P Allowed/Permitted- No permit required but the use must comply with all applicable land use standards.
- N Not Allowed/Prohibited
- CEO Requires a permit issued by the Code Enforcement Officer.
- PB Requires an approval issued by the Planning Board in accordance with the provisions of this Code.
- LPI Local Plumbing Inspector
- MFS Regulated by the Maine Forest Service<sup>86</sup>

Abbreviations:

- RP Resource Protection
- LR Limited Residential
- LC Limited Commercial
- SP1 Stream Protection 1
- SP2 Stream Protection 2

**TABLE 508.27.A / LAND USES IN THE SHORELAND AREA<sup>87</sup>**

LAND USES	SP1	SP2	RP	LR	LC
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	P	P	P	P	P
2. Motorized vehicular traffic on existing roads and public trails	P	P	P	P	P
3. Forest management activities except for timber harvesting	P	P	P	P	P
4. Timber harvesting	MFS	MFS	MFS	MFS	MFS
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	CEO <sup>1</sup>	CEO	CEO
6. Fire prevention activities	P	P	P	P	P
7. Wildlife management practices	P	P	P	P	P
8. Soil and water conservation practices	P	P	CEO	CEO	CEO
9. Mineral exploration	N	N	PB	PB	PB
10. Mineral extraction including sand and gravel extraction	N	N	PB <sup>2</sup>	PB	PB
11. Surveying and resource analysis	P	P	P	P	P
12. Emergency operations	P	P	P	P	P
13. Agriculture	P	P	PB	PB	PB

<sup>85</sup> Amended 04/06/2013

<sup>86</sup> Added 04/06/2013

<sup>87</sup> Amended 04/06/2013

LAND USES	SP1	SP2	RP	LR	LC
14. Aquaculture	PB	PB	PB	PB	PB
15. Principal structures and uses					
A. Single family residential including driveways	PB	PB	N <sup>3</sup>	PB <sup>11</sup>	PB <sup>11</sup>
B. Two family residential including driveways	N	N	N	N	N
C. Multi-family dwelling and planned residential development	N	N	N	N	N
D. Commercial	N	N	N	N	N
E. Industrial	N	N	N	N	N
F. Governmental and Institutional	N	N	N	N	PB
G. Small non-residential facilities for educational, scientific or nature interpretation purposes	PB	PB	PB	PB	PB
16. Onsite and Offsite Structures accessory to allowed uses <sup>88</sup>	CEO	CEO	CEO	CEO	CEO
17. Piers, docks, wharves, and other structures and uses extending over or beyond the normal high-water line or within a wetland					
A. Temporary	CEO	CEO	CEO	CEO	CEO
B. Permanent	N	N	N	N	N
C. Permanent (only those relating to existing dams)	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	N	N	N	CEO	CEO
19. Home Occupations					
A. Within Residence	PB	PB	PB	PB	PB
B. Outside of Residence	N	N	N	N	N
20. Private sewage disposal systems for allowed uses (no new system variances allowed)	LPI <sup>4</sup>	LPI <sup>4</sup>	LPI <sup>4</sup>	LPI <sup>4</sup>	LPI <sup>4</sup>
A. Replacement of existing systems (see State standards)	LPI <sup>10</sup>	LPI <sup>10</sup>	LPI <sup>10</sup>	LPI	LPI
21. Essential services <sup>89</sup>					
A. Roadside distribution lines (34.5kV and lower)	PB <sup>5</sup>	PB <sup>5</sup>	PB <sup>5</sup>	PB	PB
B. Non-roadside or cross country distribution lines involving 10 poles or less	PB <sup>5</sup>	PB <sup>5</sup>	PB <sup>5</sup>	CEO	CEO
C. Non-roadside or cross country distribution lines involving 11 poles or more	PB <sup>5</sup>	PB <sup>5</sup>	PB <sup>5</sup>	CEO	CEO
D. Other Essential Services	PB <sup>5</sup>	PB <sup>5</sup>	PB <sup>5</sup>	PB	PB
22. Service drops, as defined, to allowed uses	P	P	P	P	P
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	PB	PB
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds <sup>90</sup>	N	N	N <sup>6</sup>	N <sup>6</sup>	PB
26. Road construction	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	PB	PB
27. Parking facilities	N	N	N <sup>7</sup>	PB	PB
28. Marinas	N	N	N	N <sup>8</sup>	N <sup>8</sup>
29. Filling and earthmoving <100 cubic yards	CEO	CEO	CEO	CEO	CEO
30. Filling and earthmoving >100 cubic yards or >500 cubic yards when associated with a structural permit	PB	PB	PB	PB	PB
31. Filling and earthmoving <500 cubic yards when associated with a structural permit.	PB	PB	CEO	CEO	CEO
32. Signs (new or replacement)	CEO	CEO	CEO	CEO	CEO
33. Bridges	PB	PB	PB	PB	PB
34. Wells	CEO	CEO	CEO	CEO	CEO

<sup>88</sup> Amended 04/05/2014

<sup>89</sup> Amended 04/05/2014

<sup>90</sup> Amended 04/05/2014

LAND USES	SP1	SP2	RP	LR	LC
35. Uses similar to permitted uses	P <sup>12</sup>				
36. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
37. Uses similar to uses requiring a PB approval	PB	PB	PB	PB	PB

NOTES:

1. In RP within 100 feet of the normal high water line of Great Ponds permitted in accordance with Chapter 508.27.L.1.a. not permitted within 75 feet from the normal high water line of streams, except to remove safety hazards.
2. In RP not permitted in areas so designated because of wildlife value.
3. Single family residential structures, excluding mobile homes, may be allowed in accordance with Chapter 508.27.O. Two family residential structures are prohibited.
4. No new system variances permitted
5. See further restrictions in Chapter 508.27.I.2
6. Existing campgrounds under single ownership at the time of adoption of this Code may expand within the campground lot area with Site Plan Review by the Planning Board.
7. Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8. Existing marinas under single ownership at the time of adoption of this Code may expand within the marina lot area with Site Plan Review by the Planning Board.
9. Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.
10. Failed septic systems must be replaced with LPI permit
11. One principal structure per lot
12. Code Enforcement Officer review required.

The following new commercial and industrial uses are prohibited within the Shoreland Area adjacent to Great Ponds and streams that flow to Great Ponds.

- Auto washing facilities
- Auto or other vehicle service and/or repair operations, including body shops
- Chemical and bacteriological laboratories
- Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- Commercial painting, wood preserving, and furniture stripping
- Dry cleaning establishments
- Electronic circuit board manufacturing
- Laundromats, unless connected to a public sanitary sewage system
- Metal plating, finishing, or polishing
- Petroleum or petroleum product storage, not associate with normal household use, and/or sale except storage of same as use occurs and except for storage and sales associated with marinas
- Photographic processing
- Printing

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, water line of Great Ponds except in the Village District where the setback shall at least seventy-five (75) feet from the normal high-water line, 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. In Resource Protection district the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in the district in which case the setback requirements specified above shall apply. In addition:<sup>91</sup>
  - a. The water body, or 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

<sup>91</sup> Amended 4-04-2009

- retaining walls, nor to other functionally water-dependent uses.<sup>92</sup>
- b. Accessory structures on conforming lots shall be twenty (20) feet from side and rear lot lines.<sup>93</sup>
  - c. Any accessory structure on nonconforming lots of record within two hundred and fifty (250) feet of Thompson and Tripp Lakes, Upper, Middle and Lower Range Ponds, Garland, Mirror, Worthley, Dead and the Kettle Ponds, Shaker and Estes Bogs, are limited to one accessory structure per lot.<sup>94</sup>
    1. A well shall not be counted as a structure for the purposes of this Section.
    2. Wells in a Limited Residential District may be placed less than 100 feet from the high-water mark of the Great Pond for the purpose of obtaining minimum distance from a subsurface wastewater system. In no case can the distance between then high-water mark and well be less than 25 feet. The placement will also be such that there is a minimal impact on vegetation, especially buffer vegetation, on the lot.<sup>95</sup>
  - d. See section 508.2.A5
  - e. 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.
  - f. Stairways or similar structures may be allowed with a permit from the Code Enforcement Officer to provide shoreline access in areas of steep slopes twenty percent (20%) grade or greater over the area for which the access is needed 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, M.R.S.A. Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
2. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure, meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) sq. ft. in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
  3. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
    - a. The site has been previously altered and an effective vegetated buffer does not exist;
    - b. The wall(s) is(are) at least twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
    - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative planting;
    - d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
    - e. Retaining walls are located outside 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

<sup>92</sup> Amended 4-27-2002

<sup>93</sup> Amended 4-30-2005

<sup>94</sup> Amended 4-2-2016

<sup>95</sup> Amended 4-29-2006

recent flood plain soils;

- f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
  - (1) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
  - (2) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of storm water runoff;
  - (3) Only native species may be used to establish the buffer area;
  - (4) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland; and
  - (5) A footpath not to exceed the standards in Section 508.27.M.2.a may traverse the buffer. <sup>96</sup>

- C. Multiple Principal 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 504.5.

- D. Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over or below the Normal High-water Line of a Water Body or Within a Wetland. <sup>97</sup>
  - 1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 507.2 a second structure may be allowed and may remain as long as the lot is not further divided. <sup>98</sup>
  - 2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
  - 3. The location shall not interfere with existing developed or natural beach areas.
  - 4. The facility shall be located so as to minimize adverse effects on fish, wildlife and waterfowl habitats.
  - 5. 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. The maximum width for residential facilities shall be no greater than six (6) feet in width and no greater than twelve (12) feet in width for commercial. 63
  - 6. 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, said structures shall not exceed twenty (20) feet in height. <sup>99</sup>
  - 7. No existing structure built on, over or abutting a pier, dock, wharf or other structure extending beyond the

<sup>96</sup> Added/Amended 4-04-2009

<sup>97</sup> Amended 4-30-2005; Amended 4-04-2009

<sup>98</sup> Amended 4-2-2016

<sup>99</sup> 4-04-2009

normal high-water line of a water body or within a wetland shall be converted to a residential dwelling unit in any district.

8. Permanent structures projecting into or over water bodies shall require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resource Protection Act. Permanent structures projecting into or over water bodies shall not be allowed, with the exception of structures relating to existing dams and bridges.

a) Vegetation may be removed in excess of the standards in Section 508.27.M of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.

b. Revegetation must occur in accordance with Section 508.27.P.

E. Individual Private Campsites - Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One (1) campsite per lot existing on the effective date of this Code or thirty thousand (30,000) sq. ft. of lot area within the Shoreland Area, whichever is less, may be permitted.
2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.<sup>100</sup>
3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back a minimum of 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. Camping units plus canopies must meet side, road and shoreline setback requirements.<sup>101</sup>
4. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except a canopy shall be attached to the recreational vehicle.<sup>65</sup>
5. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in the Shoreland Area shall be limited to one thousand (1,000) sq. ft. Section 508.27.M may also apply.
6. A written Sewage Disposal Plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred twenty (120) days per year, all requirements for residential structures shall be met including the installation of a Subsurface Wastewater Disposal System in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Parking Areas

1. The shoreline setback requirements for all parking areas and those serving public boat launching facilities

<sup>100</sup> Added 4-2-2016

<sup>101</sup> Amended 4-04-2009

shall be a minimum of one hundred (100) feet, horizontal distance, from the normal high water line or upland edge of a wetland. <sup>65</sup>

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

G. Roads and Driveways - The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. For the purpose of this section maintenance, repair, and paving of existing driveways is not considered as construction nor is the maintenance and repair of private roads. Paving of private roads is however considered to be construction. <sup>65</sup>

1. Roads and driveways shall be set back at least one-hundred fifty (150) feet, horizontal distance, from the normal high-water line of a Great Pond, river, other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than one hundred (100) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. This Subsection shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section except for that portion of the road or driveway necessary for direct access to the structure. <sup>102</sup>
2. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district in which case the road or driveway shall be set back to the greatest practicable extent, but not less than one hundred fifty (150) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
3. Existing roads, Town and State approved and State or Town maintained or private may be expanded within the legal road right-of-way regardless of its setback from a water body with approval of the Planning Board in accordance with Chapter 8, Street Construction Standards.
4. Notification of the Code Enforcement Officer shall occur on the next "working day" after emergency repairs to a private road have been made. The Code Enforcement Officer shall determine if Best Management Practices have been used to prevent erosion and sedimentation and if the emergency repairs require Planning Board approval. Emergency repairs consist of making the road serviceable for passage of emergency vehicles, fire and rescue.
5. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 508.14. <sup>66</sup>
6. Road and driveway grades shall be no greater than ten percent (10%) except for segments of less than two hundred (200) feet. On slopes of greater than twenty percent (20%) the road and/or driveway setback shall be increased by ten (10) feet for each five percent (5%) increase in slope above twenty percent (20%). <sup>66</sup>
7. 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 fifty (50) feet plus two (2) 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. <sup>66</sup>
8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective

<sup>102</sup> Amended 4-4-2009

in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply: <sup>66</sup>

- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table: <sup>66</sup>

<u>Grade (percent)</u>	<u>Spacing (feet)</u>
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-40
21+	40

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent (10%) or less. <sup>66</sup>
- c. On sections having slopes greater than ten percent (10%), 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. <sup>66</sup>
- d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

- 9. Ditches, culverts, bridges, dips, water turnouts and other Storm Water Management Systems associated with roads and driveways shall be maintained on a regular basis to assure effective functioning. <sup>103</sup>

H. Storm Water Runoff

- 1. 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.
- 2. Storm Water Management Systems shall be maintained as necessary to ensure proper functioning.

I. Essential Services

- 1. Where feasible, the installation of Essential Services shall be limited to existing public ways and existing service corridors.
- 2. The installation of Essential Services, other than road-side distribution lines, is not permitted in a Resource Protection, or Stream Protection <sup>151</sup> 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. <sup>67</sup>
- 3. Damaged or destroyed public utility transmission and distribution lines, tower and related equipment may be replaced or reconstructed without a permit. <sup>67</sup>

J. Mineral Exploration and Excavation Permits

- 1. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods that create minimal disturbance of less than one hundred (100) sq. ft. of ground surface. A permit from the Planning Board shall be required for mineral exploration that exceeds the above limitation. All excavations including test pits and holes shall be immediately capped, filled or

<sup>103</sup> Amended 4-4-2009  
<sup>151</sup> Amended 4-2-2011

secured by other equally effective measures so as to restore disturbed areas and to protect the public health and safety.

2. There shall be no new mineral extraction pits allowed in the Shoreland Area adjacent to Great Ponds. Existing mineral extraction operations may be expanded in accordance with Section 508.19.
3. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high water line of a great pond and within seventy-five (75) feet, horizontal distance, of the normal high water line of any other water body, tributary stream, or upland edge of a wetland.<sup>67</sup>

#### K. Agriculture

1. All spreading of manure shall be accomplished in conformance with Manure Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and Nutrient Management Law (7 M.R.S.A. section 4201-4209).<sup>67</sup>
2. Manure shall not be stored or stockpiled within two hundred and fifty (250) feet, horizontal distance, of a Great Pond, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or upland edge of 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.
3. Agricultural activities involving tillage of soil greater than twenty thousand (20,000) sq. ft. in surface area, or the spreading, disposal or storage of manure within the Shoreland Area shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said Plan shall be considered to be a violation of this Code.<sup>67</sup>
4. 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; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and upland edge of wetlands. Operations in existence on the effective date of this Section and not in conformance with this provision may be maintained.
5. 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; within seventy-five (75) feet, horizontal distance of other water bodies, nor, within twenty-five (25) feet, horizontal distance, of tributary streams, and upland edge of 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 that has been filed with the Planning Board.<sup>104</sup>

#### L. Reserved.<sup>105</sup>

#### M. Clearing or Removal of Vegetation for Development Other Than Timber Harvesting or Individual Private Campsites<sup>70</sup>

1. Within a Shoreland Area zoned for Resource Protection abutting a Great Pond, there shall be no cutting of vegetation within the strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line except to remove hazard trees as described in section 508.27.N..

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.<sup>70</sup>

2. Except in areas as described in Paragraph 1., above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a Great Pond, or within a strip extending 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:

<sup>104</sup> Amended 4-4-2009

<sup>105</sup> Amended 04/06/2013

- a. There shall be no cleared opening greater than two-hundred and fifty (250) sq. ft. in the forest canopy, (or other existing woody vegetation if a forest canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is permitted for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created and a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this Section a "well distributed stand of trees" adjacent to a Great Pond or stream flowing to a Great Pond, shall be defined as maintaining a rating score of twenty-four (24) or more in each twenty-five (25) foot by fifty (50) foot rectangular area as determined by the following rating system:<sup>106</sup>

<u>Diameter of tree at 4½ feet above ground level(inches)</u>	<u>Points</u>
2 - <4	1
4 - <8	2
8 - <12	4
12 or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of sixteen (16) per twenty (25) foot by fifty (50) foot rectangular area.<sup>70</sup>

The following shall govern in applying this point system:

- i. The twenty (25) foot by fifty (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 this Ordinance;
- v. Where conditions permit, nor 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 purpose of this "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 (4½) feet above ground level for each 25-foot by 50-foot rectangular area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.<sup>70</sup>

- b. Notwithstanding the above provisions, no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter measured at four and one half (4½) feet above ground level may be removed in any ten (10) year period.
- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut covered or removed, except to provide for a footpath or other permitted uses as described in Paragraphs 2 and 2.a., above.<sup>70</sup>
- d. Pruning of tree branches on, the bottom one third (1/3) of the tree, or the bottom twenty (20) feet, which ever is less, is permitted.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with

<sup>106</sup> Amended 4-4-2009, 4-2-2016

native tree species in accordance with section 508.27.N, below, unless existing new tree growth is present.

f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 508.27.M.2.<sup>107</sup>

g. The provisions contained in Paragraph 2.a., above, shall not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas, are limited to the minimum area necessary.<sup>70</sup>

3. At distances greater than one hundred (100) feet, horizontal distance, from 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 wetlands there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty percent (40%) of the volume of trees four (4) inches or more in diameter measured four and one half (4½) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty percent (40%) calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas, exceed in the aggregate, fifteen percent (15%) of the lot area or seven-thousand five hundred (7,500) sq. ft., whichever is greater, including land previously cleared.<sup>108</sup>

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as permitted by this Section.<sup>71</sup>
5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this Section.<sup>71</sup>

#### N. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.<sup>109</sup>

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
  - a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
  - b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

<sup>107</sup> Amended 4-2-2016

<sup>108</sup> Amended 4-4-2009

<sup>109</sup> Amended 4-2-2016

- c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
  - d. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
  - e. The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
    - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
    - (ii) Stumps from the storm-damaged trees may not be removed;
    - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree or the bottom twenty (20) feet; and
    - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
  - b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

#### O. Exemptions to Clearing and Vegetation Removal Requirements<sup>110</sup>

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 508.27.M, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- 1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 508.27.M apply;
- 2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of 508.27.B are not applicable;

<sup>110</sup> Amended 4-2-2016

3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 508.27.K. are complied with;
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
  - a. A coastal wetland; or
  - b. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
  - a. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
  - b. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
  - c. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
7. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

P. Revegetation Requirements.<sup>111</sup>

When revegetation is required in response to violations of the vegetation standards set forth in Section 508.27.M to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:

<sup>111</sup> Amended 4-2-2016

- a. All trees and saplings removed must be replaced with native noninvasive species;
- b. Replacement vegetation must at a minimum consist of saplings;
- c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
- d. No one species shall make up 50% or more of the number of trees and saplings planted;
- e. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
- f. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

- a. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
- b. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
- c. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
- d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
- e. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

- a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
- b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
- c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

Q. Shoreland Access Held in Common - The use of any property for Shoreland Access held-in common shall require a minimum Shoreland frontage of three hundred (300) feet and an additional forty (40) feet for each dwelling unit beyond the third unit using said Shoreland Access held-in-common. Any recreational facilities associated with the Shoreland Access held-in-common, such as existing beaches, docks, boat ramps and or picnic areas, shall be a minimum of seventy-five (75) feet from the side lot lines.

R. Single Family Home in Resource Protection District, Special Exceptions - The Planning Board may approve a

permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:<sup>112</sup>

1. There is no location on the property, other than the location within the Resource Protection District, where a structure can be built; and
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the Androscoggin County Registry of Deeds before the adoption of the Resource Protection District.
3. All proposed buildings, sewage disposal systems and other improvements are:<sup>71</sup>
  - a. Located on natural ground slopes of less than twenty (20) percent; and
  - b. Located outside the floodway of the 100-year floodplain along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one (1) foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Chapter 7, Floodplain Management Standards.
  - c. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one-half (½) the width of the 100-year floodplain.
4. The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of one thousand five hundred (1,500) sq. ft. This limitation shall not be altered by variance.<sup>71</sup>
5. All structures shall be set back one hundred fifty (150) feet, horizontal distance, from the normal high water line or upland edge of a wetland. In considering the location, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

**508.28 Aquifer Protection Overlay District Requirements** - Aquifer Protection Overlay District requirements apply concurrently with the requirements for the underlying zoning district. Where a conflict exists between the Aquifer Protection Overlay District requirements and the underlying zoning district requirements, the more restrictive requirement shall apply.

**A. Interpretation of Aquifer Boundaries and Lots Divided by Aquifer Protection Overlay District Boundary Line**

1. Unless otherwise set forth on the Official Land Zoning District Map, Aquifer Protection Overlay boundary lines shall be as delineated on the (Gray, Mechanic Falls, Minot and Raymond Quadrangle Significant Sand and Gravel Aquifer Maps, published by the Maine Geological Survey.<sup>113</sup> and as amended by vote of the Board of Appeals).

If the official boundaries of the Aquifer Protection Overlay Districts as delineated on the Zoning Maps are disputed due to lack of sufficient detail on the available map, the landowner or agent may submit hydrogeologic evidence to support any claim. The evidence shall be prepared by a State of Maine certified Geologist with expertise in hydrogeology. The Poland Board of Appeals shall be the final authority as to boundary location.

2. Where an Aquifer Protection Overlay District Boundary Line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Code, the regulations applicable to the less restricted portion of the lot, except in the Shoreland Area, may be extended not more than fifty (50) feet into the more restrictive portion of the lot. Such extension of use shall require Site Plan Review by the Poland Planning Board.

**B. Aquifer Protection Overlay District Area I - Aquifer Protection Overlay District I (one) is a sand and gravel aquifer**

<sup>112</sup> Amended 04/06/2013

<sup>113</sup> Amended 04/06/2013

yielding ten (10) to fifty (50) gallons of water per minute, as delineated on the (Gray, Mechanic Falls, Minot and Raymond Quadrangle Significant Sand and Gravel Aquifer Maps, published by the Maine Geological Survey, and as amended by the Board of Appeals).<sup>114</sup>

- C. Aquifer Protection Overlay District Area II - Aquifer Protection Overlay District II (two) is a sand and gravel aquifer yielding fifty (50) or more gallons of water per minute, as delineated on the (Gray, Mechanic Falls, Minot and Raymond Quadrangle Significant Sand and Gravel Aquifer Maps, published by the Maine Geological Survey, and as amended by the Board of Appeals).<sup>115</sup>
- 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 Hydrogeologic Impact Study. The Impact Study shall be prepared by a State of Maine certified Geologist with expertise in Hydrogeology. The study shall contain the following components unless waived by a specific vote of the Planning Board.
1. A map showing: (1) soil types; (2) surficial geology on the property; (3) the recommended sites for Individual Subsurface Wastewater 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 at 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 (uses where the quantity of ground water taken from the ground could substantially lower the ground water table, could cause undesirable changes in groundwater flow patterns or could cause ground subsidence) the, 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 Hydrogeologic Study, and wells shall be installed and sampled in accordance with Guidelines for Monitoring Well Installation and Sampling (Tolman, Maine Geologic Survey, 1983 and as amended). Water quality sample results from monitoring wells shall be submitted to the Code Enforcement Officer, at intervals as determined by the Planning Board, with evidence showing that contaminant concentrations meet the performance standard for pollution levels.
  8. A list of assumptions made to produce the required information.
- E. Permitted Land Uses - All land use activities shall conform with all of the applicable land uses standards in Section 508 and 509 (Performance Standards).
- F. Prohibited Commercial, Industrial and Home Occupation Uses in the Aquifer Protection Overlay Districts - The following new commercial, industrial and home occupation uses are prohibited within the Aquifer Protection Overlay District:
- Auto washing facilities, unless when a public sanitary sewage system is not available and the facility is connected to an approved recycling/reclaiming system, yearly reports submitted to the Code Enforcement Officer showing compliance that the system is being pumped and disposed of appropriately at a licensed commercial wastewater processing facility or treatment plant, and is in compliance with the State of Maine Department of Human Services commercial

<sup>114</sup> Amended 04/06/2013

<sup>115</sup> Amended 04/06/2013

wastewater disposal regulations.<sup>116</sup>

- Auto washing facilities, unless designed with a sediment tank, and which the effluent may be legally discharged to a public sanitary sewage system. A letter of approval must be obtained from the Public Works or Sanitary Sewer Department stating that the proposed discharged flows will have no adverse impacts to the municipal system with regards to capacity.<sup>117</sup>
- Auto or other vehicle service and/or repair operations, including body shops
- Chemical and bacteriological laboratories
- Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- Commercial painting, wood preserving, and furniture stripping
- Dry cleaning establishments
- Electronic circuit board manufacturing
- Laundromats, unless connected to a public sanitary sewage system
- Metal plating, finishing, or polishing
- Petroleum or petroleum product storage, not associate with normal household use, and/or sale except storage of same as use occurs and except for storage and sales associated with marinas
- Photographic processing
- Printing
- Salt/sand and road salt storage and loading areas
- Dumping of snow
- Spray irrigation of sewerage
- Home occupations requiring chemicals that would be disposed in any onsite Subsurface Wastewater Disposal System

#### G. Land Use Performance Standards

1. Dimensional Requirements - After the effective date of this Code, the minimum lot size in Aquifer Protection Overlay District shall be the square footage of the underlying district lot requirement.

#### 2. Storm Water Management

a. Requirements for New Construction and Development - Adequate provision shall be made for the management of the quantity and quality of all storm water generated in all new construction and development. All ground water shall be drained through a managed system of swales, culverts, underdrains, storm drains. Best Management Practices shall be used equivalent to those described in the Stormwater Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 2015 and as amended), in conformance with the policies of the Town of Poland Comprehensive Plan. The Storm Water Management System shall be designed to meet the following standards:

(1) Quantity - Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm.

#### (2) Quality

(a) In non residential development twenty-five thousand (25,000) sq. ft. of total impervious area and over.

Storm water run-off must be treated by the use of Best Management Practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 2015, and as amended), to achieve, by design, forty (40) percent reduction in total suspended solids.

(b) Residential uses and development under twenty-five thousand (25,000) sq. ft. of total impervious area.

<sup>116</sup> Amended 4-4-2015

<sup>117</sup> Amended 4-4-2015

Storm water run-off must be treated by the use of Best Management Practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 2015, and as amended), to achieve, by design, fifteen (15) percent reduction in total suspended solids.

- (c) All of the above standards shall be met on lands within the lot area developed.
  - (3) Dry wells - Dry wells shall be used for control of surface run-off, only if other methods of control are not feasible. Dry wells shall not be used for disposal of any leachable materials or hazardous materials and shall not be connected to floor drains.
  - (4) Maintenance Requirements - Storm Water Management Systems shall be maintained to ensure proper functioning. If the permitting authority determines a Maintenance Program is needed, such program shall be followed.
3. Septic Waste Disposal - In Aquifer Protection Overlay District II "Engineered Systems" having a capacity in excess of two thousand (2,000) Gallons Per Day as defined in the State of Maine Subsurface Wastewater Disposal Rules shall be reviewed and approved by the Maine Division of Human Services, Health and Engineering Division. In addition, the applicant shall submit to the Planning Board a full Hydrological Study of proposed Engineered System. The Study shall demonstrate that concentration of nitrates or other pollutants introduced into the soil by the system shall be at least one-half of the difference between the background concentration before the use or activity proposed under the provisions of the Aquifer Protection Overlay District and the guideline established for that contaminant by the Safe Drinking Water Act, Federal Environmental Protection Agency (EPA) health advisory. The background concentration of pollutants for a site shall be determined by obtaining water quality samples from on site ground water monitoring wells prior to the commencement of uses or activities proposed under the provisions of this Code.
  4. Agriculture
    - a. Storage of Manure - All manure storage areas existing prior to the effective date of this Code within the Aquifer Protection Overlay District must be constructed or modified, with in one (1) year of the effective date of this Code, such that the facility produces no discharge of effluent or contaminated storm water.
    - b. Agriculture Requirements for Tillage of Soils Greater than Twenty Thousand (20,000) Sq. ft. in Surface Area, or the Spreading or Disposal of Manure - Agriculture requirements for tillage of soils greater than twenty thousand (20,000) sq. ft. in surface area, or the spreading or disposal of manure within the Aquifer Protection Overlay District shall require a Soil and Water Conservation Plan approved by the Androscoggin Valley Soil and Water Conservation District and filed with the Planning Board. Non-conformance with the provisions of said Plan shall be considered to be a violation of this Code.
  5. Indoor Use or Storage Facilities - 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 ten percent (10%) of total volume of the containers, or one hundred and ten percent (110%) of the volume of the largest container, whichever is larger.
  6. Spill Control and Countermeasure Plan - A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board when petroleum and other hazardous materials are used or stored and/or transferred.

#### **508.29 Mobile and Portable Storage Structures and Container Boxes.** <sup>118</sup>

- A. No person may establish, operate or maintain a mobile or portable storage structure or container without first obtaining a nontransferable permit.

<sup>118</sup> Added 4-26-2003

- B. Mobile and portable storage structures may be used on a construction site for the duration of the construction. No fees shall be charged during the actual construction time plus an additional sixty (60) days so long as it is used for construction purposes only. The contractor and/or owner shall keep a record of all such units and report the same to the Code Enforcement Office.
- C. Any unit not used in conjunction with a construction project that is placed on a parcel of land under one common ownership for up to 365 days is allowed providing a use permit is issued listing the number and type of units, a simple site plan showing their location on the parcel, and a fee paid as established by the Town of Poland Fee Schedule. Trailers and boxes with proof of registration, insurance, and inspection shall pay a fee at one-half (1/2) the standard rate.
- D. Any unit not used in conjunction with a construction project and is placed on a parcel of land under one common ownership for more than 365 days shall follow the requirements for an accessory structure as outlined in this code. The annual permit renewal fee, as established by the Town of Poland Fee Schedule, shall be paid by January 31 of each calendar year.
- E. Mobile and portable storage structures and container boxes shall not be allowed in Shoreland Zoning districts.

**508.30 Downtown District Design Standards<sup>119</sup>** - In addition to all other applicable provisions of this ordinance, the following design standards shall apply in the Downtown District and in the Village 4 District<sup>154</sup> to the construction of new non-residential structures, the expansion of existing non-residential structures and the conversion of residential structures to non-residential use.

- A. The following design standards are applicable to all new and expanded non-residential structures and residential structures that are converted to non-residential use.
  1. Pitched roofs with a minimum pitch of 5/12 shall be used for new construction or expansions of existing buildings that result in an increase of 100% or more in floor area. If the structure is too large to accommodate a pitched roof, the Planning Board shall allow use of roof treatments to provide the appearance of a pitched roof if the Board determines that such treatment fulfills the intent of this subsection to the maximum practical extent.
  2. Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited. Building trim and architectural accent elements may feature colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage. Neon lighting or fixtures shall be limited to internal signage.
  3. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, and exterior insulation and finish systems (EIFS) shall be used. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
  4. Public entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details.
  5. The building's architecture shall reflect traditional New England building forms such as pitched roofs, dormers and windows (rather than undifferentiated plate glass). Freestanding accessory structures, such as ATM's, gas pump canopies, sheds, etc., shall be treated as architectural elements and meet the same design standards as the principal structures on the site.

<sup>119</sup> Added 04-04-2009

<sup>154</sup> Amended 4-2-2011

6. All trash collection areas that are not within an enclosed building or underground must be screened or recessed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties and meet the minimum setback for accessory structures.
  7. Chain link or wire mesh fencing, including vinyl covered metal fencing, may not be used for security, access control or screening.
  8. Loading docks must be screened from surrounding roads and developed properties by walls matching the building's exterior or fully opaque landscaping.
  9. Interconnections between adjacent properties shall be developed where feasible to encourage pedestrian movement and reduce vehicular trips onto the roadway network.
- B. The following additional design standards are applicable to retail sales establishments that exceed twenty-five hundred (2,500) sq. ft. of gross floor area, a non-residential development that exceeds ten thousand (10,000) sq. ft. of gross floor area, a non-residential development with a drive-thru facility or outdoor fuel sales, or a formula restaurant but does not include agricultural buildings, except those that are accessory to a retail or wholesale sales establishment, or commercial greenhouses and nurseries that are accessory to a retail or wholesale sales establishment.
1. Building facades that exceed seventy-five (75) feet in length shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material module change, (iv) expression of architectural or structural bay through a change in plane no less than twenty-four (24) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
  2. Any rear or side building facade that is visible from a public street, residential neighborhood or property within a residential district shall be designed to complement the architectural treatment of the primary façade.
  3. Ground floor facades that face public streets shall have one or more of the following along no less than fifty percent (50%) of their horizontal length: arcades, display windows, entry areas, awnings, or other similar features. The integration of windows into building design is required, and shall be glass between three (3) to eight (8) feet above the walkway along any façades facing a public street. If large areas of plate glass are proposed, the Planning Board may require the applicant to demonstrate that glare from such glass will not create safety concerns for vehicle.
  4. Ground floor facades of retail buildings that face public streets or contain the principal access to the building and which exceed one hundred and fifty (150) feet in length shall be designed to appear as a series of attached, individual storefronts even though the building itself may consist of a single retail occupancy.
  5. Where additional stores will be located in the principal building, each additional store that exceeds twenty-five hundred (2,500) sq. ft. in floor area shall have at least one exterior customer entrance that shall conform to the above requirements.
  6. All commercial uses shall provide safe, convenient and attractive parking. Lots shall be designed to serve the adjacent buildings, the site and the commercial corridor without becoming a dominant visual element. Every effort shall be made to break up the scale of parking lots by reducing the total amount of paved surface visible from the road and subdivide the lots into smaller components.
  7. Parking lots shall utilize the minimum amount of land necessary for day to day operations. Applicants shall propose ways to achieve less lot coverage through shared parking, reserved landscaped areas, off-site parking and other techniques that are appropriate to the particular use.
  8. Parking lots shall be designed as inviting, pedestrian-friendly places by careful attention to landscaping, lighting and walkways. With proper planning, parking lots can balance the needs of both the vehicle and the pedestrian.

9. The development application shall include a site landscaping plan that presents the location and quantity of all project plantings and a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Landscaping shall be considered an integral component of the approved project. The applicant shall replace within sixty (60) days, or as seasonally required by the species, any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the Planning Board that site conditions require an alternative species of comparable size.
  10. Where the building site abuts property with at least one residence, the Planning Board may require berms, plantings, fencing or other improvements, either singly or in combination, to provide effective visual separation between the proposed use and residences. Fencing is limited to wood or vinyl materials and must be used in combination with one or more other improvements approved by the Board.
  11. The maximum height of freestanding lights shall be the same as the principal building, but shall not exceed (20) feet. Lighting fixtures including poles shall be compatible with the design of the principal structure.
  12. The applicant shall demonstrate to satisfaction of the Planning Board that the proposed lighting is appropriate for the intended use. The Planning Board shall consider the hours of operation, characteristics of the neighborhood and the specific activities proposed in making its determination. When the activity is not in use, non-security lighting shall be turned off unless there is a demonstrated need for illumination as determined by the Planning Board.
  13. Lighting shall be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split. Pathways, sidewalks and trails shall be lighted with low or mushroom-type standards. Lighting shall also comply with the provisions of section 508.26.
  14. Ground- and wall-mounted mechanical equipment, refuse containers and permitted outdoor storage must be fully concealed from on- and off-site ground level views with materials identical to those on building exterior.
  15. Except for solar energy panels and support structures, rooftop equipment must be screened by parapets, upper stories or exterior walls from view from public streets within one thousand (1,000) feet (exempts rooftop solar energy panels from screening requirements so that solar access is not affected).
- C. The following additional design standards are applicable to retail sales establishments that exceed ten thousand (10,000) sq. ft. of gross floor area.
1. Facilities for pedestrians and cyclists, such as sidewalks, crosswalks and similar amenities, shall be provided to encourage people who walk or ride to access the site.
  2. Attractive, safe and functional walkways shall be provided between the public right-of-way and the main entrance of the proposed facility. Internal walkways shall be designed to be inviting and welcoming to pedestrians.
    2. Internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- D. The following additional standards are applicable to all new and expanded non-residential structures and uses and residential structures that are converted to non-residential use in the Village 4 District. The Planning Board may grant reductions or waivers to one or more of these additional standards if the Board finds that, based on clear and convincing evidence presented by the applicant, such standards are inapplicable or impractical due to specific site or environmental conditions.

#### 1. Landscaping

- a. A minimum of thirty (30) percent of the building's total foundation, including a minimum of fifty (50) percent along the building's front façade, shall be planted with landscaping consisting of one (1) one point five (1.5) inch caliper ornamental tree and four (4) shrubs per ten (10) linear feet of foundation. Preferred locations for such landscaping are near entrances and facades facing public streets.
- b. Landscaping consisting of one (1) two point five (2.5) inch caliper street trees, two (2) four (4) foot high under story trees, or three (3) twelve (12) inch high evergreen or fifteen (15) inch high deciduous shrubs or ten (10) five (5) foot evergreen trees shall be planted every fifty (50) feet along and within a minimum thirty (30) foot wide green strip buffer adjacent to all public streets and along and within a minimum twenty (20) foot wide green strip buffer adjacent to all private streets and drives including parking lot connectors, circulation drives (including those adjacent to building) and loading areas. Notwithstanding the front setback requirements of section 5-107.2, parking may extend to within thirty (30) feet of a public street and within twenty (20) feet of a private street if site is in compliance with the buffer requirements of this subsection.<sup>120</sup>
- c. The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings required by section 508.30.D. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Landscaping shall be considered an integral component of the approved project. The applicant shall replace within thirty (60) days any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the code enforcement officer that site conditions require an alternative species of comparable size.

## 2. Parking

- a. Parking areas shall provide safe, convenient, and efficient access for vehicles and pedestrians. They shall be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface.
- b. Parking lots shall be sited and arranged so that there is an opportunity for interconnection with existing or future parking lots on one or more adjacent properties. It shall be the responsibility of the developer of each property to extend the parking lot connector to the property line.
- c. The following provisions only apply to developments in which more than forty (40) percent of off-street parking is sited between the front façade of the principal building and the primary abutting streets.
  - i. Parking lots over one hundred (100) spaces shall be segmented visually and functionally into distinct parking areas of no more than sixty (60) spaces by landscaped and curbed medians with a minimum curb to curb width of ten (10) feet. Curbed landscaped islands shall be sited at the end of each parking aisle and within parking aisles at intervals no greater than one island per every twenty (20) spaces. Islands at the ends of aisles shall be counted toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) sf in landscaped area.
  - ii. One (1) two point five (2.5) inch caliper canopy tree, one (1) four (4) foot high under story tree, and five (5) twelve (12) inch high evergreen or fifteen (15) inch high deciduous shrubs shall be planted within each parking lot island. All landscaped areas shall be a minimum ten (10) feet in width in their smallest dimension and tree wells shall be a minimum thirty six (36) square feet in area. All parking lot landscaping shall be included in the site landscaping plan as described in section 508.30.D.1.c.
- d. The following provisions only apply to developments in which twenty (20) to forty (40) percent of off-street parking is sited between the front façade of the principal building and the primary abutting streets.
  - i. Parking lots over one hundred (100) spaces shall be segmented visually and functionally into distinct parking areas of no more than sixty (60) spaces by landscaped and curbed medians with a minimum curb to curb width of ten (10) feet. Curbed landscaped islands shall be sited at the end of each parking aisle and within parking

<sup>120</sup> Amended 4-4-2015

aisles at intervals no greater than one island per every twenty (20) spaces. Islands at the ends of aisles shall be counted toward meeting this requirement. Each required landscaped island shall be a minimum of one hundred eighty (180) sf in landscaped area.

- ii. One (1) two point five (2.5) inch caliper canopy tree, one (1) four (4) foot high under story tree, and three (3) twelve (12) inch high evergreen or fifteen (15) inch high deciduous shrubs shall be planted within each parking lot island. All landscaped areas shall be a minimum ten (10) feet in width in their smallest dimension and tree wells shall be a minimum thirty six (36) square feet in area. All parking lot landscaping shall be included in the site landscaping plan as described in section 508.30.D.1.c.
3. Outdoor sales. The following additional standards applicable only to retail establishments greater than 10,000 sf of floor area.
    - a. Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.
    - b. Outdoor storage of products for sale in an area where customers are not permitted is prohibited unless such area is visually buffered from adjacent residences and public and private roads. This prohibition includes outdoor storage sheds and containers for sale. The Planning Board shall have the authority to determine the adequacy of such buffering.
    - c. Outdoor sales areas must be clearly depicted on site plan and separated from motor vehicle routes by physical barrier and ten (10) feet.
  4. Access from Public Roads. Access from Routes 26 and 122 and Carpenter Road shall be limited to two (2) per development with one access sited so as to provide the opportunity for joint access with an adjacent property.
  5. Building Setbacks. The maximum front setback of principal structures shall be one hundred fifty (150)<sup>121</sup> feet. Said setback may be exceeded if the width of the landscape buffer required in section 508.30.D.1.b is increased to seventy-five (75) feet and the number of plantings described in subsection 508.30.D.1.b is proportionately increased.<sup>154</sup>

## **509 SITE PLAN REVIEW**

**509.1 Purposes** - The purposes of this Section are:

- A. To provide Municipal Review of projects that potentially could affect the environment and community;
- B. To promote and protect the health, welfare and safety of the residents of the Town of Poland;
- C. To provide local protection from those particular nuisances which are not governed by State law or regulation;
- D. 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;
- E. To reduce the off-site external problems created by developments thereby decreasing the cost of maintaining or improving Municipal services;
- F. 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

<sup>121</sup> Amended 04/05/2014

terrain and that proper attention is given to exterior appearances of structures, signs, other improvements and uses of land; and

G. To implement the policies of the Town of Poland Comprehensive Plan.

### 509.2 Applicability

A. Site Plan Review by the Planning Board in conformity with the criteria and standards of this Section shall be required for the following:

1. Uses in each district which require Site Plan Review as identified in Section 506.1
2. A change in use when the new use is subject to Site Plan Review.
3. New uses of existing structures or land or existing uses that require Site Plan Review as defined in Section 506.1 when such uses would alter normal traffic patterns, or which would employ new materials and/or processes.
4. Existing uses that require Site Plan Review as defined in Section 506.1 which seek to expand by either one thousand (1,000) sq. ft. or twenty-five percent (25%) in area (whichever is lesser provided such expansion involves at least five hundred (500) sq. ft.) within any five (5) year period, with regard to floor space, seating capacity or outdoor storage area.
5. Resumption of conforming uses which have been abandoned for at least two (2) years which would require Site Plan Review if being newly established.
6. Creation of any back lot and back lot driveway under the provisions of Section 509.10<sup>122</sup>

B. Site Plan Review approval is not required for the following:

1. The normal and customary practices and structures associated with agriculture and forestry. Other Sections of this Code may require permits or specify standards for agricultural and forestry activities.
2. Any residential construction project that is located in the Limited Residential or Stream Protection 1 and 2 Zoning Districts that involves an expansion of an existing residential structure of less than 1,000 sq. ft. and as long as the expansion is not located within one hundred (100') of the Normal High Water Line setback from a great Pond or 75' from the upland edge of a wetland or stream.<sup>123</sup>

### 509.3 Administration

- A. In order to establish an orderly, equitable and expeditious procedure for reviewing Site Plan Reviews and to avoid unnecessary delays in processing applications for Site Plan Reviews, the Board shall prepare a written agenda for each regularly scheduled meeting.
- B. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the Municipal Office.
- C. Applicants shall request to be placed on the Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting Poland's Code Enforcement Officer.
- D. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes.
- E. The Board shall take no action on any application not appearing on the Board's written agenda.

### 509.4 Pre-application Meeting, Sketch Plan and Site Inspection

<sup>122</sup> Amended 4-4-2015

<sup>123</sup> Added 4-4-2015

- A. Purpose - The purposes of the Pre-application Meeting and on-site Inspection is for the applicant to present general information regarding the proposed Site Plan Review to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.
- B. Procedure
1. The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed development.
  2. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
  3. Exemption: The pre-application process may be skipped if there is no change of use and the estimated fair market value of construction, expansion, or renovation is less than \$10,000. The applicant may go directly to the Site Review in Section 509.7. An on-site inspection may still be required by the Planning Board.<sup>124</sup>
- C. On-site Inspection - The date of the on-site Inspection is selected by the Planning Board.
- D. Submissions
1. The Pre-application 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 penciled 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.
  2. The Code Enforcement Officer or Designee shall send notification to all property owners within five hundred (500) feet of the edge of the applicant's property lines of the submission of the Sketch Plan. This notice shall indicate the time, date and place of the Planning Board's first consideration of the Sketch Plan. The notifications shall be mailed at least seven days prior to the scheduled meeting date.<sup>125</sup>

**509.5 Requirements for On-site Inspection** - Within thirty (30) days of the Pre-application Meeting, the Board may hold an on-site Inspection of the property.

- A. The Board shall not conduct on-site Inspections when there is six (6) inches or more of snow.
- B. The applicant shall place "flagging" at the location of structures and parking areas and lot corners, prior to the on-site Inspection.
- C. Notice of such on-site Inspection shall be posted in the Municipal Office as required by Title 1, M.R.S.A. Section 406.
- D. The public is allowed to accompany the reviewing authority on such on-site Inspections as per Title 1, M.R.S.A. Section 401-410.
- E. At its next regular meeting following on-site Inspection, the Planning Board shall discuss the inspection and note various features and conditions found.
- F. The Planning Board shall notify the applicant in writing of its findings from the inspection and inform the applicant of the contour intervals to be required for a formal application.

**509.6 Rights Not Vested** - The Pre-application Meeting, the submittal or review of the Sketch Plan or the on-site Inspection shall not be considered the initiation of the review process for the purposes of bringing the Plan under the protection of Title 1, M.R.S.A. Section 302.

<sup>124</sup> Amended 4-30-2005

<sup>125</sup> Amended 04/05/2014

### 509.7 Application Procedure

- A. Applications in Writing - All applications for Site Plan Review shall be submitted to the Planning Board within six (6) months of the date of the first Planning Board meeting to discuss the Sketch Plan. If such application is not made within this time period the application shall be deemed withdrawn. 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 of the property or his agent, as designated in writing or person which shows evidence of right, title or interest.

- B. Development Plan - A Site 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 resumption of uses which have been abandoned for at least two (2) years, Planning Board approval shall be required before such uses may be resumed if such a use requires Site Plan Review if being newly established.
- C. Dated Letter - The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Site Plan. The Planning Board shall provide the applicant a dated letter of a Site Plan Review Application after the Planning Board meeting where the application is first presented.<sup>126</sup>
- D. Application Completeness - Within thirty (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. Public Hearing - If the Planning Board decides to hold a Public Hearing, it shall hold the hearing within thirty (30) days after finding it has received a complete application 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 (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the Public Hearing shall be mailed to all abutters within five hundred (500) feet of the applicant's property lines at least seven (7) days prior to the hearing by the Town of Poland.

Within thirty (30) days after the record is closed of a Public Hearing, or within sixty (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 Site Plan. The Planning Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

- F. 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 this Code are met. The costs of all such studies shall be borne by the applicant.
- G. Notice to Abutters - Upon filing an application, the Code Enforcement Officer or designee shall notify the property owners within five hundred (500) feet of the edge of the applicant's property lines 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 notifications shall be mailed at least seven days prior to the scheduled meeting date.<sup>127</sup>
- H. Financial Guarantee - Prior to Final Approval of any Site Plan Review application, the Planning Board may require the applicant to provide a performance guarantee in accordance with Chapter 614. The amount of the Performance Guarantee shall be in an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the Construction Schedule and the inflation rate for construction cost. The Town shall have access to the site at all times to review the progress of the work.

<sup>126</sup> Amended 4-26-2003

<sup>127</sup> Amended 04/05/2014

- I. Conditions - The Planning Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards and criteria of this Code.
- J. 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 Code 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 Chairman or the Chairman'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.
- K. Limitations of Approvals - 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 variations from the Plans, proposals and supporting documents, except minor changes as permitted in Subsection J. above, are subject to review and approval by the Planning Board.

**509.8 Formal Site Plan Review Application Requirements** - Within six (6) months after the on-site Inspection or the Sketch Plan if it was deemed by the Board to not need an onsite inspection, the applicant shall submit a Formal Site Plan Review Application. Failure to submit the application within six (6) months shall require resubmission of the Sketch Plan to the Board.<sup>128</sup>

- A. Submission Requirements - The submission shall contain at least the following exhibits and information:
  - 1. Site Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Municipal Office, drawn at a scale of not smaller than one (1) inch equals fifty (50) feet or other scale as determined by the Planning Board. In addition, ten (10) copies and one (1) pdf copy of the Formal Site Plan Review Application and all accompanying information shall be delivered to the Code Enforcement Office no less than ten (10) days prior to the meeting.<sup>129</sup>
  - 2. A fully executed and signed copy of the application for Site Plan Review.
  - 3. General information:
    - a. Name and address of owner(s) of record and applicant's name and address, if different;
    - b. The name of the proposed development;
    - c. Names and addresses of all property owners within five hundred (500) 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;
    - h. The name, State of Maine registration number and seal of the Site Evaluator, Land Surveyor, Architect, Professional Engineer, Geologist and/or person who prepared the Plan;
    - i. Written response or email from the Road Commissioner, Police Department, Fire Chief, Rescue Chief, and School Superintendent; and

<sup>128</sup> Amended 04/05/2014

<sup>129</sup> Amended/Added 04/05/2014

- j. If applicable, list all permits or approvals required from state or federal government for this project.

#### 4. 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 right-of-ways 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, parking and loading areas and walkways on the site;
- g. Location of intersecting roads or driveways within two hundred (200) feet of the site;
- h. The location of open drainage courses, wetlands, significant wildlife habitat, known or potential archaeological resources, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered species, 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;
- 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.

#### 5. 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 and other activities to take place on the property that is likely to generate appreciable noise;
- f. The nature of odors to be generated by the project;
- g. An on-site Soils Investigation Report by a State of 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 Wastewater Disposal System;
- h. The type and location of water supply to be used;

- i. 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;
- j. 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 Planning Board.
- k. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, together with their dimensions;
- l. 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;
- m. All existing or proposed right-of-ways, easements and other legal restrictions which may affect the premises in question;
- n. 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 Municipal Office as of the date of the Site Plan Review application;
- o. 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; and
  - (5) The need for traffic signals and signs or other directional markers to regulate anticipated traffic.
- p. 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 on and off the site through the use of arrows;
  - (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 and will consider hydraulic and water quality impacts on down stream waterways hydraulic structures, land uses and receiving waters; and
  - (5) Methods of controlling erosion and sedimentation during and after construction.
- q. A Groundwater Impact Analysis prepared by a Groundwater Hydrologist for projects involving shared on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day;
- r. A Utility Plan showing, in addition to provisions for water supply and subsurface wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site;
- s. The location, width, typical cross-section, grades and profiles of any proposed streets and sidewalks;
- t. Construction Drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a State of Maine registered Professional Engineer;

- u. 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;
  - v. If located in the direct watershed of a Great Pond, a Phosphorous Control Plan prepared in accordance with Section 612.17; and
  - w. If non-residential, state hours of operation. <sup>130</sup>
6. 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 Code, provided that the applicant has demonstrated that the standards of this Code 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 Town of Poland Comprehensive Plan and this Code.

**509.9 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 Planning Board shall approve the Site Plan unless it 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 Section 509.10.

- A. 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 Poland Comprehensive Plan, special attempts shall be made to preserve the natural environment of the skyline and view.

Environmentally sensitive areas which include wetlands, significant wildlife habitat, areas of two (2) or more contiguous acres with sustained slopes greater than twenty percent (20%), unique natural features and archaeological sites as identified in the Town of Poland Comprehensive Plan shall be conserved to the maximum extent.

The Planning Board shall assess the proposed activity's impact upon scenic areas and views as identified in the Town of Poland 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.

- B. Relation of Proposed Buildings to Environment - Proposed structures shall 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.
1. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
  2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
  3. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
  4. Materials shall 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.
  5. Materials shall be of durable quality.
  6. Building components, such as windows, doors and eaves, shall have good proportions and relationships to one another.
  7. Colors shall be harmonious and shall use compatible accents.

<sup>130</sup> Amended 4-27-2002

8. Mechanical equipment or other utility hardware on roof, ground and/or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public way. <sup>77</sup>
  9. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design, and shall follow the requirements of section 508.27 of this Code. <sup>77</sup>
  10. 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 the criteria for mechanical equipment screening. <sup>67</sup>
  11. 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.
- C. Compatibility with Residential Areas - When the proposed development would be located in or adjacent to a residential area the proposed development shall be compatible with that residential area and its residential uses. In determining compatibility the Planning Board shall consider the following.
1. The proposed development will not increase traffic above that normal for the area.
  2. The proposed development will not create unsightly views for the effected residential residents.
  3. The proposed development will not create a noise nuisance to the effected residents.
  4. The proposed development will not create artificial lighting glare on effected residents.
  5. The proposed development will not create an odor nuisance for affected residents.
  6. The proposed development will not lead to the loss of privacy for the affected residents.
- D. Vehicular Access - The proposed development shall provide safe vehicular access to and from public and private streets. 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 Access 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.

1. 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 ( $\frac{1}{2}$ ) 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 Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

- a. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
  - b. 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.
2. 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 driver's seat of a vehicle standing on that portion of the exit driveway from distances between ten (10) and fifteen (15) feet behind the curb line or edge of shoulder, with the height of the eye three and one-half (3.5) feet to the top of an object four and one-quarter (4.25) feet above the pavement.

<u>Posted Speed Limit</u>	<u>Sight Distance</u>
25 mph	250'
30 mph	300'
35 mph	350'
40 mph	400'
45 mph	450'
50 mph	500'
55 mph	550'

Where truck traffic is expected to be substantial, the minimum site distance shall be increased by fifty percent (50%) of that required in the table above. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances between ten (10) and fifteen (15) feet behind the curb line or edge of shoulder. Height of the eye should be six (6) feet with height of object no more than four and one-quarter (4.25) feet above the pavement.

3. 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.
  4. 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 percent (3%).
  5. 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 four hundred (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 four hundred (400) trips are generated.
  6. Projects generating four hundred (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.
- E. Vehicular access to Routes 11, 26, 121 and 122 shall comply with the following provisions in addition to the above. Where conflicts exist between this Subsection and Subsection D. above, this Subsection shall apply.
1. Where a proposed development is to be located at the intersection of Routes 11, 26, 121, or 122 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.
  2. Curb cuts or access points shall be limited to one (1) per lot for all lots with less than two hundred (200) linear feet or less of road frontage. For lots with greater than two hundred (200) feet of frontage, a maximum of one (1) curb cut per two hundred (200) feet of frontage shall be permitted to a maximum of two (2) 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.
  3. The maximum number of curb cuts to a particular site shall be governed by the following:
    - a. No low volume traffic generator shall have more than one (1) two-way access onto a single roadway.
    - b. No medium or high volume traffic generator shall have more than two (2) two-way accesses in total onto a single roadway.
  4. Curb cut widths and design shall conform to the following standards: Standards shall be based on the Institute of Traffic Engineers' Trip Generation Report, and as amended shall:
    - a. Low volume driveways: Defined as driveways with less than fifty (50) vehicle trips/day, shall:
      - (1) Have two-way operation;
      - (2) Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less

than sixty (60) degrees;

- (3) Not require a median;
- (4) Slope from the gutter line on a straight slope of three percent (3%) or less for at least fifty (50) feet, with a slope no greater than eight percent (8%) except where unique site conditions permit a waiving of the slope standard to ten percent (10%); and
- (5) Comply with the following geometric standards:

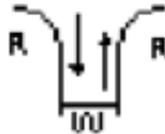
NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

**Table 509.9.E.4.a / LOW VOLUME DRIVEWAY DESIGN**

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
Radius	15-25*	10	15-25*
Drive Width	20-30*	20	24-30*

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

**Low Volume Accesses**



b. Median volume driveways with more than fifty (50) vehicle trips/day but fewer than two hundred (200) peak hour vehicle trips and generally including all land uses not in the low or high volume groups, shall:

- (1) Have either two-way or one-way operation;
- (2) Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less than sixty (60) degrees;
- (3) Not require a median;
- (4) Slope upward from the gutter line on a straight slope of three percent (3%) or less for at least fifty (50) feet and a slope of no more than six percent (6%) thereafter, with the preferred grade being a four and one-half percent (4½%), depending on the site; and
- (5) 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.

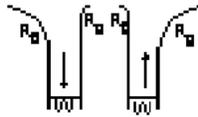
**Table 509.9.E.4.b / MEDIUM VOLUME DRIVEWAY DESIGN**

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

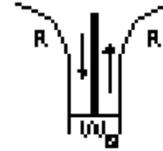
\*Where separate left and right exit lanes are desirable.

**Medium Volume Accesses**

**One-Way**



**Two-Way**



- c. High volume driveways defined as driveways with more than two hundred (200) peak hour vehicle trips, shall:
- (1) Have two-way operations separated by a raised median of six (6) to ten (10) feet in width and a fifty (50) to one hundred (100) feet length depending upon necessary storage length for queued vehicles;
  - (2) Intersect with the road at an angle as close to ninety (90) degrees as possible, but at no less than sixty (60) degrees;
  - (3) Be striped for two (2) to four (4) lanes with each lane twelve (12) feet wide;
  - (4) Slope upward from the gutter line on a straight slope of three percent (3%) or less for at least seventy-five (75) feet and a slope of no more than five percent (5%) thereafter; and
  - (5) 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.

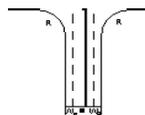
**Table 509.9.E.4.c / HIGH VOLUME DRIVEWAY DESIGN**

Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
<b>W/O CHANNELIZATION</b>			
R (radius)			
W (drive width)	50	30	50
M (median)	24	20	26
	6	6	10
<b>W/CHANNELIZATION</b>			
R (radius)	100	75	100
W (drive width)	24	20	26
M (median)	6	6	10
WR (outside radius)	20	16	20

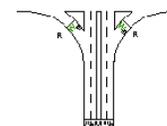
\*For industrial developments with a high percentage of truck traffic maximum values are required.

**High Volume Accesses**

**Without Channelization**



**With Channelization**



5. 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:

**Table 509.9.E.5 / MINIMUM CORNER CLEARANCE**

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

6. 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:

**Table 509.9.E.6 / Driveway Spacing**

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

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

**Table 509.9.E.7 / MINIMUM DISTANCE BETWEEN DRIVEWAY TO PROPERTY LINE**

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 twenty (20) feet of separation between low volume driveways serving adjacent parcels, forty (40) feet of separation between medium volume driveways, and one hundred-fifty (150) feet of separation between high volume driveways.

8. 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.

9. 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 Routes 11, 26, 121 or 122 where full access presently exists and cannot be provided by an adjacent side street connected directly to Routes 11, 26, 121 or 122.

F. Surface Water

1. The proposed activity will not result in undue Surface Water Pollution. In making this determination, the Planning 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 wastewater disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluent.
  2. Design of Best Management Practices shall be substantially equivalent to those described in the Storm Water Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 1995 and as amended).
  3. The minimum pipe size for any storm drainage pipe shall be twelve (12) inches, fifteen (15) inches for carrying roadway ditches under driveway entrances and eighteen (18) inches for cross culverts.
  4. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.
- G. 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 approval:
1. Stripping of vegetation, re-grading or other development shall be done in such a way as to minimize erosion;
  2. 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;
  3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum;
  4. Disturbed soils shall be stabilized as quickly as practical;
  5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development;
  6. The permanent (final) vegetation and structural erosion control measures shall be installed as soon as practical on the site;
  7. 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;
  8. Whenever sedimentation is caused by stripping vegetation, re-grading 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;
  9. 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; and
  10. 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.
- H. Phosphorous Export - Projects proposed within the direct watershed of a lake or pond listed in Section 612.17 shall be designed to limit Phosphorus Export to the levels defined in Section 612.17.1.a. 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 (5) 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 Code.
1. 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 amended). Upon request, copies of all worksheets and calculations shall be made available to the Planning Board.

2. 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 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.

I. Site Conditions

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site areas shall be regularly sprayed with an environmentally safe product to control dust from construction activity.
2. 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.
3. 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 Plan. Any non-permitted removal of greater than one thousand (1,000) cu. yd. in a twelve (12) month period must be approved by the Code Enforcement Officer or Planning Board according to Section 508.19.

J. Signs - All signs shall comply with standards set forth within this Code.

- K. 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.

- L. 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 fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorist, pedestrians, or from adjacent dwellings and so they do not unnecessarily light the night sky. Direct or indirect illumination shall not exceed 0.5 foot-candles at the lot line or upon abutting residential properties.

All exterior lighting, except security lighting, must be turned off during non daylight hours unless located on a site of a commercial or industrial use that is open for business during that period.

Existing uses that require new lighting fixtures shall comply with this Section.

- M. Emergency Vehicle Access - Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.
- N. Municipal Services - The development will not have an unreasonable adverse impact on the Municipal Services including, road 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 Municipal Officers, Town's Department Heads and Superintendent of Schools in making a determination of an unreasonable adverse impact. If the Planning Board, after a concurring vote of the Municipal Officers, 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.

- O. 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.R.S.A. Section 2601, its location shall not restrict the location of a Subsurface Wastewater Disposal System on adjacent parcels not owned by the applicant. If the location of a Subsurface Wastewater Disposal System will be restricted on an adjacent parcel, the applicant shall obtain an easement from the property owner.

- P. 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.
1. 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 State Drinking Water Regulations, pursuant to Title 22, M.R.S.A. Section 2601. If the existing ground water quality is inferior to the State Drinking Water Regulations, the development will not degrade the water quality any further.
  2. For above ground fuel storage and chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain one hundred and ten percent (110%) of the volume of the largest tank; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls and/or pads, shall be reinforced concrete and shall be designed by a State of Maine registered Professional Engineer.
  3. Underground petroleum tanks where permitted shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.
- Q. 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.
- R. Odor Control - The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.
- S. Noise - Noise levels shall follow the standards as described in the State of Maine Department of Environmental Protection, Site Location Development Act, Rule 06-096, Chapter 375, Section 10 of September 2001 (DEPLW0295-C2001).
1. Subsection C "Sound Level Limits" shall be modified as follows:
    - a. Item (1), (ii), page 44, changed from 60 dBA to 55 dBA between 7:00 AM and 7:00 PM, and from 50dBA to 45dBA between 7:00 PM and 7:00 AM.
    - b. Item (1), (iii), page 44, changed from 70 dBA to 65dBA between 7:00 AM and 7:00 PM, and from 60 dBA to 55 dBA between 7:00 PM and 7:00 AM.
    - c. Item (b), page 46, changed from 75 dBA to 70 dBA between 7:00 AM and 7:00 PM, and from 65 dBA to 60 dBA between 7:00 PM and 7:00 AM.<sup>131</sup>
- T. Sewage Disposal - The development shall provide for a suitable sewage disposal.
1. All individual on-site systems will be designed by a State of Maine Department of Human Services licensed Site Evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.
  2. 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

<sup>131</sup> See copy of Me. DEP. Chapter 375, "No Adverse Environmental Effects Standards of the Site Location"; Amended 4-27-2002

wastewater.

- U. Waste Disposal - The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
  1. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
  2. 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.
- V. Buffer Areas - No industrial or commercial buildings or uses shall be established adjacent to, lots or parcels in zones that do not permit industrial or commercial uses unless the industrial or commercial buildings or uses are adequately buffered and screened according to this section. The buffering and screening required under this section is such buffering or screening as the Code Enforcement Officer or Planning Board, as the case may be, deems necessary to protect all adjacent non commercial or non industrial uses from adverse impacts from noise, odor, glare, dust, vibration, or visual impacts materially impairing the quiet and beneficial use and enjoyment of the non commercial or non industrial uses. These measures can include, but are not limited to, a landscaped buffer strip 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 and screening 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 and screens shall be maintained and vegetation replaced to insure continuous year-round screening.<sup>132</sup>
- W. Financial and Technical Capacity - The applicant shall demonstrate adequate financial and technical capacity to meet these standards.
- X. Conformance with Comprehensive Plan - The proposed activity is in conformance with the Town of Poland Comprehensive Plan.

**509.10 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 Code 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 Town of Poland Comprehensive Plan or this Code and further provided the performance standards of this Code 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.

### **509.11 Back Lots and Back Lot Driveways**<sup>133</sup>

Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Planning Board pursuant to the following provisions:

- A. A legal description of the back lot driveway by metes and bounds shall be attached to any building permit application for construction on the back lot.
- B. A back lot driveway shall be created either:
  1. Over a right-of-way on a front lot that meets applicable street frontage requirements along a street that meets the Town's construction and design standards for a Collector, Minor or Private street; or.
  2. Over a portion of land belonging to the back lot which has a minimum of 50 feet of frontage but less than the required amount of frontage on a street that meets the Town's construction and design

<sup>132</sup> Rewritten/Amended 4-29-2006

<sup>133</sup> Added 4-4-2015

standards for a Collector, Minor or Private Street.

- C. The lot shall meet the Space and Bulk Standards in section 507.1 in effect at the time of creation of the back lot driveway. Notwithstanding the provisions of Section 507.1.B, for those back lots that comply with Subsection B.1 above, that portion of the front lot within the driveway right of way shall be considered part of the front lot for purposes of meeting space and bulk standards, including but not limited to frontage and minimum lot size. The back lot driveway right-of-way shall be considered the front of the lot for the purposes of determining the front setbacks for both the front and the back lot(s). Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the applicable zoning district. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the back lot driveway right of way. For the purposes of this section, and notwithstanding the requirements of Section 507.1.B, the portion of the back lot driveway within the back lot may be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway located within the back lot. The back lot's front setback shall be measured from the back lot driveway right of way. In addition, all back lot structures shall be more than 200 feet from the street that the back lot driveway accesses.
- D. A back lot driveway shall originate from a paved street constructed in accordance with the Town's Street Construction Standards for a Collector, Minor or Private Street. The back lot driveway design shall include a turn-around that meets the design standards in Section 807.2 and that will accommodate safe emergency vehicle access to the lot. A private street shall meet the Town's minimum street standards for the section of road 300 feet on both sides of the intersection where the back lot driveway accesses the street. The Planning Board may waive this requirement and reduce the private road requirements if the existing condition is deemed adequate to maintain a safe two-way passage, has an acceptable travel surface condition, can adequately handle surface runoff and drainage, and meets appropriate sight distance.
- E. If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless there exists a minimum of 100 feet between the existing driveway and the newly proposed right of way, or the Planning Board determines that such relocation is prohibited by site conditions or the orientation of existing buildings.
- F. A back lot driveway shall serve no more than two back lots and shall provide access to no more than three lots, including the front lot, unless it is improved to meet the minimal standards for a minor or private street on Table 807.1. In the event the creation of both back lots is not part of the same approved plan, prior to the creation of a second back lot, the applicant shall submit for review and approval by the Planning Board an application for the proposed revision of the previously approved back lot driveway plan and a plan for driveway maintenance as described in section 812.2, Repair and Maintenance of Privately-Owned Streets
- G. If more than one residence is to have access to the back lot driveway, the application shall include a plan setting forth how the street/driveway and associated drainage structures and required buffers and stormwater management facilities are to be maintained. Responsibility may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots that will utilize the back lot driveway for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Planning Board review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.
- H. No more than one back lot driveway may be created out of a single front lot unless each subsequent back lot is created out of at least an additional amount of frontage as required in the applicable zoning district. The entrances of such rights of way onto the existing road shall be separated by a distance equivalent to at least the required frontage in the zoning district plus half the right of way width.
- I. The back lot must comply with all space and bulk regulations in the applicable Zoning District as well as the lot standards of Chapter 5.

- J. See Table 807.1 for back lot street construction standards.
- K. All applications for a back lot driveway submitted for review by the Planning Board shall include the following information:
1. Names of applicants and owners of land for the location of the proposed back lot driveway.
  2. A statement of any legal encumbrances on the land and a statement regarding any waivers requested for the location of the back lot driveway.
  3. The anticipated starting and completion dates.
  4. The plans shall be prepared by a registered land surveyor or engineer and shall include the following:
    - a. Date, scale and the direction of the magnetic north and or grid north.
    - b. Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, fuel storage, lighting and cable television.
    - c. The plan shall show any back lots that are to be accessed by the proposed back lot driveway. Such lots shall conform to the requirements of Section 805.2 Plans, and the plan shall include lot bearings, distances and proposed monumentation for angle points, points of curvature, or points of lot line intersections.
    - d. Plans shall include a plan view and typical cross-section of the proposed back lot driveway including a locus map with the locations of any streets or driveways located within 300 feet.
    - e. Kind, size, location and material of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. All drainage structures shall be designed and sized in accordance with a stormwater management plan prepared by a professional engineer licensed in the State of Maine in conformance with the requirements for surface drainage set forth in Chapters 5 and 6. If deemed appropriate by the Planning Board, an applicant may meet the requirements of the stormwater management plan by allowing the use of land on abutting lots with proof of easement and a legally binding agreement assigning specific maintenance duties and responsibilities.
    - f. A phosphorous impact plan must be included in the application package in conformance with the requirements of Section 509.9 General Review Standards (H) Phosphorus for a back lot driveway entirely or partially located within the direct watershed of a lake or pond listed in Section 612.17 and meets the design parameters located within that section for each watershed.
    - g. A soil erosion and sedimentation control plan in conformance with the requirements of Section 509.9.G.
  5. If the Planning Board determines due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a site walk is advisable, the Planning Board, may schedule an onsite inspection per section 509.5. The Code Enforcement Officer or designee shall notify the property owners within five hundred (500) feet of the of the applicant's property of a pending public hearing for Back lot driveway Review. This notice shall indicate the time, date and place of the Public Hearing. The notifications shall be mailed at least seven days prior to the scheduled meeting date.
- L. The Planning Board shall review the application and determine whether it complies with the requirements of this Section. The Planning Board shall grant or deny approval on such terms and conditions, as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Planning Board shall make written findings of fact establishing that the application does or does not meet the provisions of applicable ordinances. The Planning Board shall sign the approved plan.

The applicant must record the approved plan in the Androscoggin County Registry of Deeds within 30 days of approval. The applicant shall establish an escrow account for estimated costs incurred by a third party inspector to review the construction of the Backlot driveway. At the time that the escrow account reaches ten (10) percent of its original amount, it shall be replenished to an acceptable level as determined necessary by the CEO to complete the required inspection. It shall be the applicant's responsibility to assure that the back lot driveway is completed in accordance with the approved plan and in compliance with the Town of Poland's standards, and to receive acceptance of completion by the third party inspector. No certificate of occupancy will be granted for a structure on a lot utilizing the back lot driveway as its primary access until construction of the back lot driveway has been completed and determined acceptable by the third party inspector and/or CEO and all required inspection fees have been paid in full. If the applicant does not record the approval within 30 days of approval, then the approval becomes void unless the recording period is extended by the Planning Board of good cause shown.

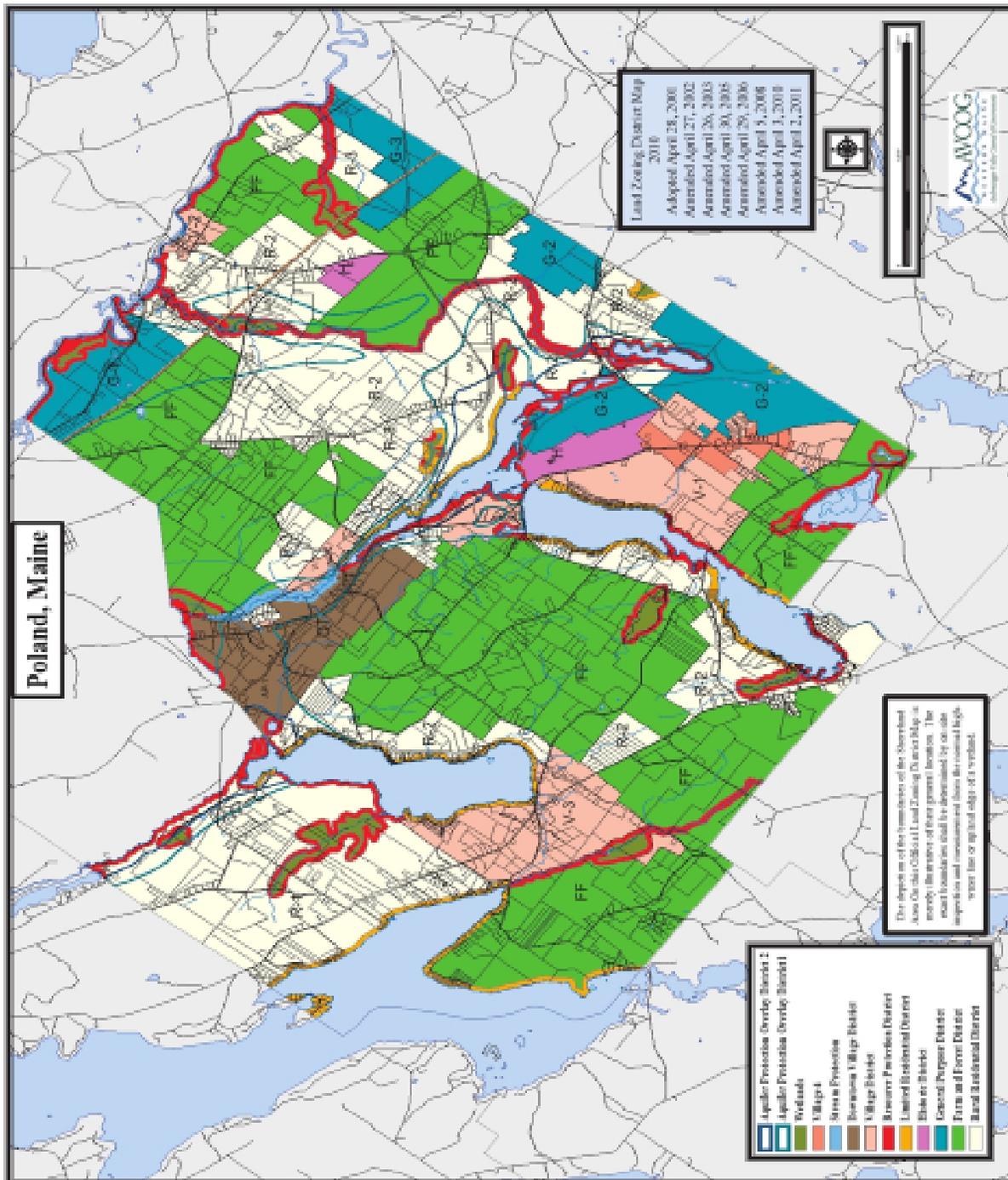
- M. **Waivers** - Where the Board makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this Code are not necessary to provide for the public health, safety or welfare, or are inappropriate because of inadequate or 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 Town of Poland Comprehensive Plan or this Code and further provided the performance standards of this Code 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.

#### **510 ZONING MAP**

Copies of the zoning maps are included with this code as a reference only and are not the official zoning maps. The official zoning map is the map signed and kept in the town's records by the Town Clerk. The official Zoning Map may be amended under the same criteria for amendments to this code as outlined in Section 109. Attested copies may be obtained for a fee as set in the Poland Fee Schedule.<sup>134</sup>

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<sup>134</sup> Added 4-26-2003



**511 PLANNED COMMERCIAL DEVELOPMENTS** <sup>135</sup>

- A. The goals of these provisions for planned commercial developments are:
1. Will be in accordance with the Comprehensive Plan;
  2. Will be reasonably self-sufficient in the provision of necessary services, such as sewerage, water supply, off-street parking, and long-term management of common facilities;

<sup>135</sup> Added 04/05/2014

3. Will provide for efficient use of the land in grouping professional businesses, retail, mini malls and mixture thereof;
  4. Will avoid the disadvantages of strip development by limiting vehicular access points to the Development;
  5. Will provide a wide variety of goods and services by establishing harmonious relationships between structures, pedestrian circulation, and parking areas.
- B. In order to qualify as a planned commercial development, all units shall be sited on an undivided parcel of land except if the development site is divided by an existing or proposed road in which case the units on each side of the existing or proposed road shall be sited on an undivided parcel of land.
1. Individual units. Individual units may be owned by separate entities however all common structures therein, including roads, sidewalks, utilities and, that encompass this development, shall be owned by one owner or in common by an association.
  2. Unit owner association. All unit owners shall be members of a unit owners association. Such association shall be established in a manner similar to and have comparable responsibilities to that described in section 613.10.
- C. Planned Commercial developments shall be permitted in those districts as indicated in section 502.6.
- D. Notwithstanding the requirements of the underlying zoning district(s), the planned commercial development and all uses, buildings and structures associated with it shall be governed by the following dimensional requirements:
1. Minimum site size. A planned commercial development shall include a minimum of 80,000 sq. ft.
  2. Minimum net acreage per unit.
    - a. The following minimum net acreage per unit within the overall area of the planned commercial development:
      - (1) Village and Downtown Districts – 20,000 sq. ft.
      - (2) General Purpose Districts – 40,000 sq. ft.
  3. Maximum lot coverage. The total impervious surface ratio of the entire planned commercial development shall not exceed seventy-five percent (75%).
    1. The Maximum Structure Height shall not exceed the height requirements of the Town of Poland's Building Code, Chapter 11. Height may be limited based on recommendation of Fire/Rescue Chief because of the department's limitations and capabilities.
  4. Minimum structure separation. All principal structures shall be separated by a distance equal to at least the height of the tallest adjacent principal structure, unless the Town of Poland Building or Fire Protection codes allows for an alternative separation.
  5. All utilities shall be installed underground, unless specially waived by the Planning Board.
- E. The design of the planned commercial development shall reflect an overall sense that the entire parcel is part of a single development with a pedestrian friendly scale. As such, the principal structures shall convey a common character but need not be similar in either design or scale. Common elements, such as signs, lighting, site furniture and site improvements, shall be used where practical. Where appropriate, pedestrian, bicycle and shopping cart linkages shall be provided to bring the elements of the planned commercial development together and to link the development with systems on the perimeter of the site. Provisions shall be made for creating

landscaped or vegetative buffers of at least 20 feet between all abutting one and two family residential uses.

- F. Notwithstanding the provisions of section 507.1.G, the development plan for a planned commercial development shall permit construction of more than one principal building on a lot without the buildings being sited in a manner that would allow the lot to be able to be divided into conforming lots with one building on each lot. No future division of a lot containing more than one principal building shall be permitted.
- G. Design Standards. In addition to all other applicable requirements of this section, all structures shall additionally abide by the design standards set forth in section 508.30.
- I. Pedestrian circulation. A pedestrian circulation system is required. The system and its related walkways shall be separated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement unless the Planning Board determines that due to the nature of the development and the volume of traffic on the development's roadways, such separation is not necessary.

**End of Chapter 5**

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