Comprehensive
Land Use Code
For the
Town of Poland, Maine

Original Ratification April 28, 2001

Subsequent Enactment April 2, 2011
Amended April 6, 2013

CHAPTER DIRECTORY

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CHAPTER 1 - GENERAL PROVISIONS

101 SHORT TITLE - This Code shall be known and may be cited as the Comprehensive Land Use Code for the Town of Poland, Maine.

102 PURPOSES - The purposes of this Code are to protect the public health, safety and welfare of the inhabitants of the Town of Poland. In addition, purposes are:

A. To implement the Town of Poland Comprehensive Plan;

B. To encourage the most appropriate use of land throughout the community;

C. To conserve and protect the Town's natural resources including surface and ground water, farmland, forest land, wildlife habitats and other natural areas;

D. To provide safety from fire, floods and other natural events;

E. To promote traffic safety;

F. To minimize the negative impacts that could be associated with new residential and non-residential development;

G. To maintain the social values of residential areas and neighborhoods; and

H. To provide a fair and timely procedure for permitting and enforcement.

103 AUTHORITY - This Code is enacted pursuant to Article VIII, Second Part of the Constitution of the State of Maine and the laws of the State of Maine, including, but not limited to Title 30-A, M.R.S.A. and Title 38, M.R.S.A. Section 435 et seq.

103.1 Table of Contents & Index - The table of contents and index developed for this Code are not a part of the Code and may be changed by the Planning Board to better clarify the location of sections of the Code. Footnotes are not part of the Code. They are added for reference and commentary only.

104 APPLICABILITY

104.1 General - This Code applies to all persons conducting activities in the Town of Poland which are regulated by this Code.

104.2 Municipal Authority over State Projects - The Town of Poland, Maine shall require State of Maine compliance with this Code for any State projects within the Town of Poland, Maine, as set forth according to Title 30-A, M.R.S.A. Section 3352 and Title 5, M.R.S.A. Section 1732-8.

104.3 Municipal Authority over Federal Projects - The Town of Poland, Maine shall require Federal agencies proposing to construct or alter (i.e., structures, highways, waterways, etc.) within the Town of Poland, Maine "to consider" the requirements of this Code and consult with the appropriate local officials. Also, to submit plans for review by the local officials and permit local inspections. The Town of Poland, Maine is granted authority according to Title 30, Section 619 of the United States Code.

105 EFFECTIVE DATE - The effective date of this Code shall be that date of its adoption by the legislative body.

106 VALIDITY AND SEVERABILITY - Should any Chapter, Section or provision of this Code be declared invalid or unenforceable by the courts, such decision shall not invalidate or limit the enforcement of any other Chapter, Section or provision of this Code.

107 CONFLICTS BETWEEN CHAPTERS AND OTHER ORDINANCES - Except as otherwise specifically stated herein, whenever a provision of this Code conflicts with or is inconsistent with another provision of this Code, the more

restrictive provision shall control and whenever a provision of this Code conflicts or is inconsistent with another statute, ordinance or regulation, the more restrictive shall apply.

108 REPEAL OF EXISTING ORDINANCES - Repeal of Existing Ordinances - Adoption of this Code shall repeal on the effective date of this Code any and all previously enacted Town of Poland Land Use and Zoning Ordinances. This shall not prevent enforcement of repealed ordinances with respect to the times in which they were effective.

108.1 Subsequent Ordinances repealed since 4-28-2001.

A. Town of Poland Building Code adopted 4-28-2001 is repealed to allow adoption of the 2000 International Building Code and International Residential Code by Reference as part of Chapter 11. (Re-instated into this code as Chapter 11) [1]

B. A "Poland Ordinance Adopting a Life Safety Code", adopted 9-09-1999.

C. "An Ordinance a Fire Prevention Code Prescribing Regulations Governing Conditions Hazardous to Life and Property from Fire or Explosion", enacted 3-4-1970, amended 5-3-1996 and 4-24-1999. (Updated and re-instated into this code as Chapter 12) [2]

108.2 Repeal of Municipal Timber Harvesting Regulation - The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Code are repealed:

- Chapter 508.27.A Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Chapter 508.27.L in its entirety; and
- Chapter 14, definitions the definitions of "forest management activities" and "Residual Basal Area".

109 AMENDMENTS

109.1 Initiation of Amendments - An amendment to this Code may be initiated by:

A. The Planning Board, provided a majority of the Board has so voted; or

B. Request of the Municipal Officers; or

C. Written petition of a number of voters equal to at least 10% of the number of votes cast in the Municipality at the last gubernatorial election.

109.2 Public Hearing

A. The Planning Board shall conduct a Public Hearing on the proposed amendment. Notification of the hearing shall be posted in the Town Office at least thirteen (13) days before the hearing and published in a newspaper of general circulation in the Municipality at least two (2) times with the date of the first publication at least twelve (12) days before the hearing and the date of the 2nd publication at least seven (7) days before the hearing. The Planning Board shall make a report to Municipal Officers with its recommendation on the proposed amendment within ten (10) days after the Public Hearing has been closed.

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

[1] Added 4-27-2002
[2] Added 4-29-2006

C. In addition to the notice required in Section A, above, the Town Clerk shall provide written notification by certified mail, return receipt requested, to land owners whose property is being considered for placement in a Resource Protection District. Such notice must be sent not later than fourteen (14) days before the Planning Board votes to establish a Public Hearing on the proposed rezoning to Resource Protection.

D. The Town Clerk shall forward a copy of the text of the proposed amendment to the Municipal Officers and Planning Board of adjacent communities when a zoning amendment is proposed which is within five hundred (500) feet of a common Municipal border at least thirteen (13) days in advance of the Public Hearing. The adjacent community may provide verbal or written testimony.

109.3 Adoption of Amendment - An amendment of this Code may be adopted by a simple majority vote of a regular or special Town Meeting and unless otherwise specified therein, shall become effective upon adoption.

109.4 Shoreland Areas - Copies of amendments attested and signed by the Town Clerk that affect an area within two hundred fifty (250) feet of the normal high water line of a Great Pond, river or upland edge of a wetland or seventy-five (75) feet horizontal distance from a stream shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by a Town Meeting and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Municipality within the forty-five (45) day period shall be governed by the terms of the amendment if such amendment is approved by the Commissioner.

End - Chapter 1

CHAPTER 2 - PLANNING BOARD

201 SHORT TITLE - This Chapter shall be known and may be cited as the Town of Poland Planning Board Standards.

202 ESTABLISHMENT AND AUTHORITY - The Planning Board of the Town of Poland, Maine, is hereby created and constituted under the provisions of the Maine Constitution and by Title 30-A, M.R.S.A. Sections 3001 and 4301 and subsequent, as amended.

203 APPOINTMENT, TENURE, QUORUM AND VACANCY

203.1 Appointment - The Planning Board shall consist of five (5) regular members and two (2) alternate members appointed by the Municipal Officers. They shall be residents and registered voters of the Town of Poland. A Municipal Officer may not be a member of the Planning Board.

203.2 Tenure - The term of office of each regular member shall be three (3) years. The terms of office shall be staggered with the term of two regular members expiring in one (1) year, two regular members expiring in the second (2) year, and one regular member expiring in the third (3) year. The term of office for the alternate members shall be three (3) years.

The Board shall annually elect a chairman and vice chairman, and may create and fill such other offices as it may determine necessary. Officers shall serve one (1) year terms and shall be eligible for re-election.

203.3 Quorum - A quorum shall consist of three (3) members or designated alternate members. The Board shall act by majority of those present and voting. In the absence of a regular member, the Chairman shall designate an alternate member to act. If the same matter requires several meetings and is heard by both a regular member and an alternate member designated in the regular member's absence, the member attending the most meetings on the matter shall be the member voting on the matter. Before voting, that member shall review the submissions, recordings, and minutes of any meeting from which that member was absent. [3]

203.4 Vacancy - When there is a permanent vacancy, the Municipal Officers shall, within sixty (60) days of its occurrence, appoint one (1) of the alternate members to serve for the unexpired term. When a permanent vacancy occurs in an alternate member's position, the Municipal Officers shall appoint a new alternate member from outside the Board.

A vacancy shall occur upon the resignation or death of any member or alternate member, or when a member or alternate member ceases to be a resident of the Municipality, or when a member or alternate member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all regular and workshop meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chairman of the Board shall immediately so advise the Municipal Officers in writing. The Board may recommend to the Municipal Officers that attendance provision be waived for cause, in which case no vacancy will exist until the Municipal Officers disapprove the recommendation.

204 RULES AND REGULATIONS - The Board shall adopt rules and regulations for the transaction of its business, all of which shall be subject to modification by the Municipal Officers prior to Municipal Officers approval. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

205 DUTIES - The Planning Board shall:

A. Review and act upon applications before it;

B. Prepare revisions, from time to time as needed, of the Town of Poland Comprehensive Plan and the Comprehensive Land Use Code of the Town of Poland;

[3] Amended 4-29-2006

C. Give the public ample opportunity to be heard concerning revisions to the Town of Poland Comprehensive Plan and the Comprehensive Land Use Code of the Town of Poland;
D. Perform those duties outlined in State law, the Town of Poland Comprehensive Plan, and the Comprehensive Land Use Code of the Town of Poland;

E. Investigate and report any problems referred to it in writing by the Municipal Officers or by the Town Manager;

F. Make studies on any area of Town development as it may deem necessary;

G. Make recommendations to the Municipal Officers concerning any projected Capital Improvement Programs;

H. Perform such duties and services as necessary to its proper function within the limits of the appropriation made for that purpose;

I. Submit a status report of the Planning Board when requested by the Municipal Officers;

J. Make and enter into such contracts subject to the approval of the Municipal Officers as it may deem advisable to carry out the objectives and purposes of the Board, and shall have such other powers and perform such other duties as may be necessary for the administration of its affairs on behalf of the Town, and may obtain goods and services necessary for its proper function within the limits of its budget as approved by the Municipal Officers; and

K. The Planning Board shall review the ordinances by the end of January of every even calendar year and at other times it deems necessary. The Board shall hold at least one hearing for public input to determine what, if any, are the problems being encountered or changes desired by the public. If changes are deemed necessary, then the board shall initiate an amendment procedure as prescribed in §1-109. [4]

206 INTERRELATION OF MUNICIPAL OFFICERS AND PLANNING BOARD - The Board shall be an advisory body to the Municipal Officers. The existing Town of Poland Comprehensive Plan and Comprehensive Land Use Code of the Town of Poland shall not be revised or amended until the Board has made a careful investigation of all proposed revisions or amendments.

End of Chapter 2

[4] Amended 4-28-2001

CHAPTER 3 - ADMINISTRATIVE

301 SHORT TITLE - This Chapter shall be known and may be cited as Administrative Procedures.

302 ADMINISTRATION

302.1 Administering Bodies and Agents - This Code shall be administered by the following:

A. Code Enforcement Officer

1. Appointment - A Code Enforcement Officer shall be appointed or re-appointed annually by July 1st by the Municipal Officers.

2. Duties and Responsibilities - The Code Enforcement Officer shall have the following duties and responsibilities:

   a. The Code Enforcement Officer shall acquire an intricate working knowledge of all Federal, State, and local Codes, ordinances, laws, by-laws, and charters pertinent to the Office of Code Enforcement;

   b. The Code Enforcement Officer shall be capable of interpreting the aforementioned codes, et al for the purpose of enforcing them in a fair and just manner, and for the purpose of explaining them correctly to the citizens of the Town of Poland and any person(s) or company these citizens may hire for the performance of any project that comes under the scrutiny or jurisdiction of the Code Enforcement Office;

   c. The Code Enforcement Officer shall be prepared to recommend updates to the codes and ordinances to keep them current to meet any Federal or State changes, and keep abreast of changes in the Town of Poland. This is to be accomplished by drafting the necessary terminology to update this code for approval by legal counsel and adoption by the Municipality;

   d. The Code Enforcement Officer shall coordinate all inspections, or delegate person(s) or departments to perform such inspection as they may be qualified to perform. This person is to disseminate information concerning the Codes and laws and to interpret their meanings so that an effective unified inspection team shall be realized. Inspections shall be conducted for: 1) fire safety, 2) internal plumbing, 3) building structural and mechanical, 4) electrical, 5) health, 6) subsurface wastewater systems, 7) environmental protection, 8) accessibility, and 9) for any other, compliance, safety or public welfare inspection necessary under this Code;

   e. The Code Enforcement Officer or that person's appointed, qualified designee shall investigate all complaints made by officials, agencies, and citizens residing in the Town of Poland, and to ascertain that compliance with the Codes, ordinances, et al prevails;

   f. The Code Enforcement Officer shall secure compliance with the laws, ordinances, et al, whenever a violation of them has been determined by the Code Enforcement Officer, by the least amount of enforcement necessary to obtain the desired end results. This is to be accomplished by first giving verbal notification of the violation to the landowner and/or his tenant causing the violation if possible. This is to be followed by written notification documenting the violation, stating what corrective action is required, what penalties may be applied if compliance is not secured, and that the violator may appeal the Code Enforcement Officer's decision. If compliance is still not secured then Citations may be issued in accordance to Chapter 4, Enforcement, and/or other legal action as prescribed in this Code, applicable ordinances and regulations of the Town of Poland or Statutes of the State of Maine, and again the right of the violator to appeal the decision;

   g. The Code Enforcement Officer shall establish and maintain records and files of all permits issued, inspections made, violations discerned, any legal action and the corrective action taken, condemnations,

and appeals heard on each parcel of land;

h. The Code Enforcement Officer shall keep the Town Manager and the Municipal Officers informed of the activities of the Code Enforcement Office on a monthly basis. Any violations requiring legal action to be taken that involves the use of the courts or legal counsel shall be brought before the Municipal Officers before taking any action. Any proceedings that need immediate attention because of safety hazards or irreversible harm to life or property will be done with an informal agreement with the Town Manager or two (2) Municipal Officers as soon as possible. The proceedings will then be brought to the Municipal Officers at the next available meeting;

i. The Code Enforcement Officer shall attend seminars, workshops, and courses of study to maintain that person's certification as a Code Enforcement Officer and Local Plumbing Inspector, to issue Land Use Complaints in District Court, and other subjects of interest in the process of running the Office of Code Enforcement;

j. The Code Enforcement Officer shall assist citizens with the process of filing any application and to verify that this Code and ordinances are complied with;

k. The Code Enforcement Officer shall assist the Planning Board and Board of Appeals in the process of executing their duties, and other duties as assigned to that person by the Town Manager or the Municipal Officers;

l. The Code Enforcement Officer shall assist other local, state and federal agencies as they may pertain to the functions of code enforcement and work with them in securing compliance with the codes, ordinances, laws, by-laws, et al.; and

m. Act upon permit applications that the Code Enforcement Officer is authorized to approve, refer permits requiring Planning Board approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.

B. Planning Board - The Planning Board shall be responsible for reviewing and acting upon applications for Shoreland Review approval, Site Plan Review approval, Subdivision approval and other approvals as may be required by other provisions of this Code. [5]

C. Board of Appeals - A Board of Appeals shall be created in accordance with the provisions of Title 30-A, M.R.S.A. Section 2691.

303 PERMITS

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

303.2 Applications for Permits - Applications for permits shall be submitted in writing on forms provided for that purpose. The Code Enforcement Officer or Planning Board may require the submission of information which is necessary to determine conformance with the provisions of this Code that shall include but not be limited to the following:

A. All Building or Use Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for that purpose;

B. Within fourteen (14) business[6] days of filing an application for a Building or Use Permit and the payment of the fee, as established in the Town of Poland Fee Schedule, the Code Enforcement Officer shall approve, deny or

[5] Amended 4-26-2003
[6] Amended 04/06/2013

refer the application to the Planning Board. One copy of the Code Enforcement Officer's decisions shall be filed in the Municipal Office;

1. Within two (2) days after all Shoreland Zoning and Building Permit approvals, 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. This notice shall include the property's parcel identification number, the physical address, if available, the Shoreland Zoning or Building Permit number, and approval date.[7]

C. No Building Permit for a building, structure or use on any lot shall be issued except to the owner of record thereof, or the owner's authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects to this Code or with a decision rendered by the Board of Appeals or Planning Board. [8]

1. Unless waived by the Code Enforcement Officer or Planning Board, any application for such a permit shall be accompanied by a plan drawn to scale, showing the actual shape and dimensions and setbacks of the lot to be built upon, the exact location of all existing buildings and new buildings to be constructed, together with the lines, within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Code. The applicant shall provide a boundary survey or have a State of Maine licensed surveyor certify the building setbacks and location at the footing inspection if the any of the following apply:

a. The permit application is for a new structure, or an addition or alteration to any structure exceeding an estimated value of over $25,000, is on a full foundation, and is located within five feet (5') from any minimum setback requirement or

b. If there is any uncertainty by the Code Enforcement Officer as to the location of any property line on the parcel.

D. No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities or a subsurface wastewater disposal system, unless a Plumbing Permit for such facilities has first been secured by the applicant or his authorized agent, according to the requirements of this Code;

E. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Code;

F. Approvals and permits shall be valid for the following periods:

1. An applicant shall within twelve (12) months from the date of final action of an application requiring Planning Board approval apply to the Code Enforcement Officer for any and all permits. [9]

2. Building Permits issued by the Code Enforcement Officer shall expire if a substantial start to construction of the building or structure, or commencement of the use is not begun within six (6) months after the date on which the permit was issued, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced. [8]

3. Phasing - Non-residential projects may receive phasing approval from the Planning Board as part of an application's review. The whole project may have as many as three (3) segments and start dates spread over a three (3) year period. Unless otherwise specified in the Planning Board's approval, there shall be no more than six (6) month lull in construction from the substantial completion of one project and the start of the next project. Any project approval exceeding the time limits of the phasing approval shall become null and void for that part of the project that is not completed. Any escrow accounts required during the construction of the project shall be maintained for the entire duration of the project.

[7] Added 04/06/2013
[8] Amended 04/06/2013
[9] Amended 4-27-2002

4. Extensions of planning board[8] approvals - Extensions may be granted for approvals under the Planning Board's jurisdiction for up to an additional twelve (12) months after a cursory review of the project(s). A written and signed request from the applicant and/or landowner for an extension must be received by the Planning Board prior to the expiration or nullification of the approvals and/or permits.

5. After the expiration of the time periods set forth above, permits or approvals shall lapse and become void. [10]

G. In addition to the standards contained elsewhere in this Code, the Planning Board shall consider the following in the Shoreland Area as defined:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, birds, or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the Town of Poland Comprehensive Plan; and
7. Will avoid problems associated with floodplain development and use.

303.3 Conditions of Approval - Approvals and permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Code, and the permittee shall comply with such conditions. If an application or permit is either denied or approved with conditions, the conditions as well as reasons shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved Subdivision or would violate this Code, any other local ordinance or regulation or any State law which the Municipality is responsible for enforcing.

303.4 Burden of Proof - The burden of proof that a proposed land use activity is in conformity with the purposes and provisions of this Code shall be the responsibility of the applicant.

304 APPEALS

304.1 Establishment - A Board of Appeals is hereby created in accordance with the provisions of Title 30-A, M.R.S.A. Section 2691 and this Chapter.

304.2 Appointment, Composition, Powers and Duties

A. The Board of Appeals shall be appointed by the Municipal Officers and shall consist of five (5) members, all of whom shall be legal residents of the Town of Poland, serving staggered terms of at least three (3) and not more than five (5) years. The Board shall elect annually a chairman and secretary from its membership. The secretary, or the secretary's designee, shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. The Board of Appeals may employ a paid recording secretary. All minutes of the Board shall be public-record. Three (3) members of the Board shall constitute a quorum for conducting a meeting and taking action. [11]

1. A Municipal Officer or spouse of a Municipal Officer may not serve as a member of the Board of Appeals.

2. A Planning Board member may not serve as member of the Board of Appeals.

3. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

4. A member of the Board may be dismissed, before the member's term expires, for cause by the Municipal

[10] Amended 4-29-2006
[8] Amended 4-7-2012
[11] Amended 4-26-2003

Officers upon written charges and after Public Hearing.

B. Powers and Duties - For all actions taken by the Board of Appeals, a concurring vote of at least three (3) members of the board is required to approve a motion. [12]

1. Administrative Appeals - To hear and decide administrative appeals, on a de novo basis, where it is alleged that there is an error in any order, requirement, decision, including a Notice of Violation[11] or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Code; provided, however, that the Board of Appeals shall not have the authority to hear an appeal from a decision by the Code Enforcement Officer or Board of Selectmen to undertake or not to undertake an enforcement action or from a determination by the Code Enforcement Officer that no violation has occurred.[11] The Board of Appeals shall have no jurisdiction to review the merits of an approval or denial of a Subdivision or Site Plan Review application, nor to consider the imposition of conditions of approval or the failure to impose one or more conditions by the Planning Board. When errors of administrative procedures or interpretation are found, the case shall be remanded to the Code Enforcement Officer or Planning Board for correction. By a concurring vote of at least three (3) members of the Board, an action of the Code Enforcement Officer may be modified or reversed.

2. Variance Appeals - To hear and decide upon appeal in specific cases where a relaxation of the terms of this Code would not be contrary to the public interest and a literal enforcement of this Code would result in undue hardship.
   a. Dimensional variances may be granted only from dimensional requirements including but not limited to frontage (including shore frontage), lot area, lot width, height, percent of lot coverage, impervious surfaces and setback requirements.

   b. Variances shall not be granted for establishment of any prohibited use.

   c. The Board shall not grant a variance in the Shoreland Area unless it finds that:

      (1) The proposed structure or use would meet the performance standards of this Code except for the specific provision which has created the nonconformity and from which relief is sought; and

      (2) The applicant has proved to the Board that strict application of the terms of this Code would result in undue hardship.

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

         (a) That the land in question cannot yield a reasonable return unless a variance is granted;

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

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

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

   d. The Board shall not grant a variance in locations outside the Shoreland Area and one hundred (100) year floodplain unless it finds that:

      (1) The proposed structure or use would meet the performance standards of this Code except for the specific provision which has created the nonconformity and from which relief is sought; and

      (2) The strict application of this Code to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

         (a) That the need for a variance is due to the unique circumstances of the property and not to the

[12] Amended 4-27-2002
[11] Amended 4-7-2012

general conditions in the neighborhood;

(b) That the granting of the variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

(c) That the practical difficulty is not the result of action taken by the petitioner or a prior owner;

(d) No other feasible alternative to a variance is available to the petitioner;

(e) That the granting of the variance will not unreasonably adversely effect the natural environment; and

(f) That the structure or land area for which a variance is sought is not located in whole or in part within the Shoreland Area and/or one hundred (100) year flood plain.

e. The Board of Appeals may grant a variance, without proof of an undue hardship or practical difficulty, to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Board shall restrict any variance granted under this Subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance including without limitation the variance to the duration of the disability or to the time that the person with the disability lives in or regularly uses the dwelling. The term "structures necessary for access to or egress from the property" shall include railing, wall, ramp, lift, or roof systems necessary for the safety or effectiveness of the structure.

f. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Code to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance and all subsequent owners or occupants shall comply with any conditions imposed.

g. For any variance granted, a Certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting shall be prepared in recordable form. The applicant shall record this Certificate in the Androscoggin County Registry of Deeds within ninety (90) days of the date of final written approval. The variance is not valid until recorded and no permit shall be issued by the Code Enforcement Officer until proof of recording is provided.

h. Variance Appeals Shoreland Areas

(1) A copy of each variance request within the Shoreland Area, including the application and all supporting information supplied by the applicant shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals. [13]

(2) For any variance granted by the Board of Appeals in the Shoreland Area it shall be submitted within fourteen (14) days of the final written decision to the Department of Environmental Protection by the Board of Appeals.

i. A variance under the provisions of this Chapter secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one (1) year of the date on which the variance is granted, and if work or change is not substantially completed within two (2) years.

[13] Amended 4-04-2009

j. Prior to the start of any construction for which a variance has been granted, a permit is required from the Code Enforcement Officer.

3. Variance Appeals in Floodplains - In addition to the provisions of Section 304.2 above, variance appeals from the provisions of Chapter 7, Floodplain Management Standards, shall comply with the following.

a. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances shall be granted only upon:

(1) A showing of good and sufficient cause; and

(2) A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with this code, existing local laws, ordinances or regulations; and

(3) A showing that the issuance of the variance will not conflict with this code or other federal, state, or local laws, ordinances or regulations; and

(4) A determination that failure to grant the variance would result in undue hardship as defined in section 304.2.b.(2).(c).

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and the Board of Appeals may impose such conditions to a variance as it deems necessary.[14]

d. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

(1) Other criteria of this Section and Chapter 707.11 are met; and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

e. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that.

(1) The development meets the criteria of Section 304.2.B.3, paragraphs a. through d., above; and

(2) The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

f. Any applicant who meets the criteria of Section 304.2.B, paragraphs a. through e., shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

(1) The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

(2) Such construction below the base flood level increases risks to life and property; and

(3) The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the Municipality

[14] Added 04/06/2013

against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the Municipality from any claims the applicant may have against the Municipality that are related to the use of land located in a floodplain.

g. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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

304.3 Appeal Procedure

A. In all cases a person aggrieved by a decision of the Code Enforcement Officer or an appealable decision of the Planning Board shall commence an appeal within forty-five (45) days of the decision being appealed. The appeal shall be filed with the Board of Appeals on forms approved for that purpose, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

B. Following the filing of an appeal, and before taking action on the appeal, the Board of Appeals shall hold a Public Hearing on the appeal within thirty (30) days of receipt of the appeal. The Board of Appeals shall notify the Code Enforcement Officer and Planning Board at least ten (10) days in advance of the time and place of the hearing, and shall publish notice of the hearing at least five (5) days in advance of the hearing in a newspaper of general circulation in the area.

C. The Board of Appeals shall notify by Certified Mail the appellant and the owners of property within five hundred (500) feet of the property of which the appeal is taken, at least ten (10) days in advance of the hearing. For the purpose of this Section, abutting property owners shall include properties directly across a street from the property for which the appeal is made.

1. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive notice of the Public Hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals. [15]

2. It is the property owners' responsibility to keep the town Tax Assessor's Office informed of their current mailing address for the purpose of administering any portion of this Code. Failure on the part of the landowner to inform the town of such shall not delay or vacate any board or town officer action or decision. [12]

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

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

F. Within twenty (20) days of the Public Hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board and the Municipal Officers of it decision and its reasons therefore.

304.4 Reconsideration - The Board of Appeals may reconsider any decision reached within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision made by anyone other than a member of the Board must be filed within 10 days of the decision that is to be reconsidered. A member of the Board may make a request for reconsideration at the next meeting of the Board, subject to the time limitations set forth in this section.

[15] Amended 4-27-2002
[12] Amended 4-07-2012

In the event that the Board votes to reconsider a decision, all action on the reconsideration must be completed within forty-five days of the original decision. Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding the provisions of Section 304.5.A, an appeal of a reconsidered decision must be made within fifteen (15) days after the decision on reconsideration.[12]

304.5 Appeal to Superior Court

A. Board of Appeal Decisions - An appeal may be taken by any aggrieved party to Superior Court in accordance with State laws within forty five (45) days from the date of any decision of the Board of Appeals.

B. Planning Board Decisions - An appeal shall be taken by an aggrieved party from a decision by the Planning Board under Site Plan Review, Subdivision Standards or Street Construction Standards to Superior Court within thirty (30) days of the Planning Board's decision in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

305 FEES - All applications for a permit, appeal, variance, Site Plan Review, Subdivision approval or other review required by this Code shall be accompanied by a fee as established by the Municipal Officers in the Town of Poland Fee Schedule. The Municipal Officers shall have the authority from time to time to revise the fee schedule after a Public Hearing.

End - Chapter 3

CHAPTER 4 - ENFORCEMENT

401 SHORT TITLE - This Chapter shall be known and may be cited as the Citation System for Code Enforcement of Poland, Maine.

402 PURPOSE AND APPLICABILITY

402.1 Purpose - The purpose of this Chapter is to provide additional and alternative methods and processes to enforce the provisions of the Town of Poland Comprehensive Land Use Code (Code) in a just, speedy and inexpensive manner, to improve compliance with the provisions of this Code, and thereby to protect, preserve and enhance the public health, safety and general welfare of the inhabitants of the Town of Poland, Maine.

402.2 Applicability - This Chapter shall provide a method for enforcing and securing compliance with various provisions of this Code, which is in addition to those methods otherwise contained in this Code. Any and all inspectors and enforcement officials under the various provisions of this Code are referred to in this Chapter collectively as the Code Enforcement Officer.

403 CODE ENFORCEMENT OFFICER - It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Code. If the Code Enforcement Officer shall find that any provisions of this Code are being violated, shall follow the procedure set forth in this Chapter.

404 PROCEDURE

404.1 Investigations - Upon receipt of information indicating the likelihood of a violation of any provision of this Code, the Code Enforcement Officer shall investigate the facts and may make an inspection of the premises when legally authorized to do so in Title 30-A, M.R.S.A. Section 4452-(1-A)(1-B).

404.2 Notice of Violation(s) - If an investigation reveals that Code violation(s) has/have occurred, the Code Enforcement Officer shall give written notice of such violation(s) to the person (hereafter known as "violator") having control of any land, building, structure, sign, license or permitted business or operation which is in violation(s), verbal notice to the person(s) performing the work, and order that the violation(s) be corrected.

A. Serving of Violation(s) Notice.

1. Notice of the violation(s) may be served in hand to the "violator" by the Code Enforcement Officer.

2. Notice of the violation(s) may be sent by certified mail, return receipt requested, to the "violators" last known address.

3. If the Code Enforcement Officer finds that the violation(s) is one, which requires correction to protect the public health and safety, he may provide notice under this Chapter by means of the telephone of facsimile transmission to the "violator" or to a place of business of the "violator."

B. Contents of Violation(s) Notice - Any notice under this Chapter shall describe the violation(s) including a reference to the Code Section violated, specify what corrective action must be taken, and within what time period the violation(s) must be corrected. The notice must state the potential consequence if the violation(s) is/are not corrected. The notice shall also advise the "violator" of any rights to appeal to the Board of Appeals, with respect to the Code Enforcement Officer's determination that a violation(s) exists for which the "violator" is responsible. and shall include a statement that the failure to appeal the notice within the required time frame may be determined by a court to be a forfeiture of the right to challenge the underlying decision in subsequent proceedings.

C. Emergency Situation(s) - Should the violation be of such a nature that a Temporary Restraining Order or Preliminary Injunction is required, the Code Enforcement Officer may proceed with such action regardless of Section 404.2.A. above.

404.3 Civil Proceedings - If the violation has not been corrected within the period established in the notice, the Code Enforcement Officer or Town Attorney may initiate appropriate legal proceedings to compel the "violator" to correct the violation and seek whatever other relief to which the Town may be entitled. Such legal proceeding may include the initiation of a land use complaint pursuant to rule 80K of the Maine Rules of Civil Procedure and Title 30-A, M.R.S.A. Section 4452 and as amended.

404.4 Issuance of Citation(s) - If the violation has not been corrected within the time period established in the notice, the Code Enforcement Officer may issue, as an alternative to initiating a civil proceeding pursuant Section 404.3 (Civil Proceeding) a Citation to the violator.

A. Content of Citation Notice - The Citation shall be in writing, describe the nature of the violation(s), including the Chapter(s), Section(s) violated, state the date by which the violation(s) must be corrected, what corrective action must be taken and that a Civil Penalty, as provided for in the Town of Poland Fee Schedule, is/are imposed for the violation(s), the date by which the penalty must be paid and to whom, and the consequence of failing to pay the penalty(ies) within the period stated.

B. Declaration to the Administrator of the Federal Insurance Administration - In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exist pursuant to Chapter 7, Floodplain Management Standards, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. A clear and unequivocal declaration that the property is in violation of a cited State law or local Code, ordinance or regulation;

3. A clear statement that the public body making the declaration has authority to do so and a Citation to that authority;

4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

5. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, and as amended.

C. Further Citation Criteria - The Citation shall state the penalties which may be imposed if the violation(s) is/are not corrected within the time period set forth in the first Citation and shall also state the penalties which may be

imposed if an additional Citation(s) must be issued for the same violation(s). The Citation shall also state that all additional penalties are cumulative.

D. Serving of Citation Notice - A Citation may be served upon the "violator" by giving the Citation to the "violator" in hand by the Code Enforcement Officer. A Citation may be mailed by certified mail, return receipt requested, to the violator's last known address.

E. Citation Notice - The time period specified in a Citation by the Code Enforcement Officer, within which a violation must be corrected, shall be reasonable in consideration of:

1. The threat posed by such violation(s) to the health, safety and welfare of the public:

2. The nature of the work required to correct the violation(s); and

3. Any notice period given to the "violator" in a previous Citation for the same violation(s) or pursuant to Section 404.2 (Notice of Violation(s).

405 PENALTIES - Civil Penalties shall be imposed for the issuance of a Citation in accordance with the penalties contained in the Town of Poland Fee Schedule.

The Municipal Officers are authorized to establish and modify the Schedule of Penalties contained in the Town of Poland Fee Schedule, after giving notice, and conducting a Public Hearing to consider the establishment or modification of Penalties contained in the Town of Poland Fee Schedule.

405.1 Permits for New Buildings or Uses - Any permits issued during a violation shall be to correct the violation only. Permits for new construction or uses on the property or properties in question are not allowed until after the violation(s) is/are corrected. [16]

406 FURTHER VIOLATIONS - If the violation(s) has/have not been corrected within the time specified in the first Citation, the Code Enforcement Officer may issue a second Citation.

406.1 Contents of Second Citation - The second Citation shall contain the same information set forth in the first Citation regarding the nature of the violation(s) but may do so by reference to the first Citation. The second Citation shall also state that, in addition to the civil penalty imposed for the first Citation, a civil penalty as set forth in the Town of Poland Fee Schedule has been imposed for the second Citation. Further, the second Citation shall also state that the continued failure to correct the violation(s) may result in the issuance of further Citations and shall indicate the penalties provided for the issuance of subsequent Citations.

406.2 Time Limits for Correcting the Second Citation Violation(s) Notice - The time limits specified for correcting the violation(s) may be the same as that allowed in the first Citation or may be altered if there has been a change in circumstances.

406.3 Subsequent Citation - The same procedure shall be followed with regard to the issuance of subsequent Citations.

407 COLLECTION PROCEEDINGS OF PENALTY FOR NONPAYMENT

407.1 Payment Date - All civil penalties imposed by Citation shall be due within five (5) days after the date by which the violation(s) was ordered to be corrected. Penalties shall be payable to Town of Poland, Maine.

407.2 Interest on Penalties - All civil penalties not paid when due shall bear interest at the rate as set forth in the Town of Poland Fee Schedule.

407.3 Consequence of Failure to Pay Penalties - The failure to pay when due any civil penalties imposed for violation(s) of any of the laws, standards or rules set forth in Title 30-A, M.R.S.A. Section 4452 (5) and as amended, shall itself constitute a violation of such law, standard or rule for which the "violator" shall be liable for the penalties provided for in Title 30-A, M.R.S.A. Section 4452 (3) and as amended.

[16] Added 4-27-2002

407.4 Initiation of Proceedings for Collection of Penalties - The Code Enforcement Officer or Town Attorney may initiate appropriate proceedings to collect any civil penalties which are not timely paid together with all interest thereon. Such legal action may include proceedings pursuant to Title 30-A, M.R.S.A. Section 4452 and as amended.

408 REPEAT VIOLATION(S) - If a "violator" has been previously served with a notice of violation(s) with regard to a specific violation, the "violator" shall not be entitled to receive any further notice of the same violation(s) if it is repeated within twelve (12) calendar months of the date of the first violation.

408.1 Repeat Violation(s) Procedure - If a "violator" has been previously served with a notice of violation(s) with regard to a specific violation, within the past twelve (12) calendar months, the Code Enforcement Officer may proceed in accordance with Section 404.4 Issuance of Citation(s) without further notice.

409 APPEALS - Appeals from a Notice of Violation issued by the Code Enforcement Officer may be taken to the Poland Board of Appeals in accordance with the provisions of Section 304.

End of Chapter 4

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.

A. Village Districts

1. Village District 1 (V-1)
2. Village District 2 (V-2)
3. Village District 3 (V-3)
4. Village District 4 (V-4) [155]

B. Historic District (H)

C. Rural Residential Districts

1. Rural Residential District 1 (R-1)
2. Rural Residential District 2 (R-2)
3. Rural Residential District 3 (R-3)

D. Farm and Forest Districts

E. General Purpose Districts

1. General Purpose District 1 (G-1)
2. General Purpose District 2 (G-2)
3. General Purpose District 3 (G-3)

F. Limited Residential District (LR)
1. Farm and Forest District (FF)

G. Resource Protection District (RP)

H. Aquifer Protection Overlay District (AP)

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.[17]

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 508.33.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 [156]

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

[17] Amended 04/06/2013

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

A. Expansions - 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.

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.

[156] Added 4-2-2011

a. Expansion of any portion of a structure within twenty-five (25) feet horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited even if the expansion will not increase non-conformity with the water body, tributary stream, or wetland setback requirement.

b. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited even if the expansion will not increase non-conformity with the water body or wetland setback requirement.

c. For structures located less than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75 foot distance is one thousand (1,000) sq. ft., and the maximum height of any portion of a structure that is within seventy five (75) feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is twenty (20) feet or the height of the existing structure, whichever is greater, Section a. above shall apply.

d. For structures located less than one hundred (100) feet, horizontal distance, from the normal high-water line of a Great Pond, the maximum combined total floor area for all portions of those structures within that 100 foot distance is one thousand five hundred (1,500) sq. ft., and the maximum height of any portion of a structure that is within 100 feet horizontal distance of a Great Pond is 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, horizontal distance, from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of Section c. above.

e. For the purposes of Subparagraph 1.

(1) An unfinished basement or a finished basement with finished floor more than thirty inches (30") below ground level access is not counted toward floor area. [18]

[18] Amended 4-27-2002

(2) When maximum allowed floor area is exceeded or when an existing deck or patio not meeting high water line setbacks is on the waterfront side of an enclosed structure, open and uncovered patios and decks shall not be roofed over or enclosed so as to increase the volume of the structure.

f. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 504.3.B, Relocation. If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure. [19]

2. Special expansion allowance. Existing principal and accessory structures that exceed the floor area or height limits set in Sections A.1.c and d above may not be expanded except that the limits may be exceeded by not more than five hundred (500) sq. ft. provided that all of the following requirements are met:

a. The principal structure is set back at least fifty (50) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

b. A well-distributed stand of trees and other natural vegetation as defined in Chapter 508.27.M.2.a extends at least fifty (50) feet in depth as measured from the normal high-water line of a water body or upland edge of a wetland for the entire width of the property as documented by photographs.[20]

If a well-distributed stand of trees and other vegetation meeting the requirements of Chapter 508.27.M.2.a is not present, the five hundred (500) square foot special expansion allowance may be permitted only in conjunction with a Written Plan, including a scaled site drawing, and approved by the Planning Board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within fifty (50) feet, horizontal distance, of the shoreline or tributary stream using the standards contained in Section 504.3.A.3 below; [15]

c. Adjacent to Great Ponds, except for the allowable footpath, there exists complete natural ground cover consisting of forest duff, shrubs and other woody and herbaceous vegetation within fifty (50) feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater while the area is returning to its natural state; and [17]

d. A written plan, including a scaled site drawing and photographs, is approved by the Planning Board and is developed, implemented, and maintained to address the following mitigation measures for the property within the Shoreland Area.

(1) Unstabilized areas resulting in soil erosion must be mulched, seeded, or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies, tributary stream and wetlands. [21]

(2) Roofs and associated drainage systems, driveways, parking areas, and other non-vegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a water body, tributary stream or wetland. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a well, stone apron, or similar device. [17]

3. Planting requirements. Any planting or revegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a qualified professional, be implemented at the time of construction, and be designed to meet the rating scores contained in Section 504.3.A.2.b and the

[19] Added 4-27-2002;4-04-2009
[20] Amended 4-04-2009
[21] Amended 4-04-2009

ground cover requirements of Section 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.

4. Filing and reporting requirements: Written plans required pursuant to this Section must be filed with the Androscoggin County Registry of Deeds within fourteen (14) days of approval. A copy of all permits issued pursuant to this Section must be forwarded by the Municipality to the Department of Environmental Protection within fourteen (14) days of the issuance of the permit.

5. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland as defined herein.

6. 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.B, 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. [17]

B. 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 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: [18, 22]

   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

[22] Amended 04-06-2013

disturbed, destroyed or removed. [23]

2. Any structure relocated shall have its old footprint re-vegetated according to the requirements of Section A.2 (Expansions) above. [24]

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. [18]

C. Reconstruction or Replacement - In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. [18]

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.[25]

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 floor area of the reconstructed or replaced structure at its new location. If the total amount of floor area 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.B above. [18]

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board, or its designee shall consider, in addition to the criteria in Section 503.B (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. [18]

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)

[23] Amended 4-04-2009
[24] Amended/Added 4-27-2002
[25] Amended 04/06/2013

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. [26]

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:

    a. The applicant cannot relocate, reconstruct or replace the existing floor area 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.

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;

[26] Amended 04/06/2013

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. [27]

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 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 except in the Shoreland Area where the following shall apply:

Any legal undeveloped nonconforming lots of record existing before the effective date of this Code and located in the Shoreland Area may be used for a structure only if:

1. The structure is centered in the lot as reasonably as possible (this means that the structure being built will have the narrowest dimension from side lot line to side lot line). Side set back on the principal structure may be reduced by special exception, by the Planning Board, to no less then thirty (30) feet; [28]

2. The distance from the high water mark shall be no less than one hundred (100) feet;

3. The distance from the edge of the road right-of-way may be varied, taking into consideration other structures in the area, but shall be located out of the road right of way, and no less than twenty (20) feet from the edge of the right-of-way; and [29]

4. Accessory structures (see Section 508.27.B).

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.

[27][27] Amended 4-30-2005
[28] Amended 4-07-2007
[29] Amended 4-27-2002

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.[30]

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.

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

[30] Amended 04/06/2013

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.[31]

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.[32]

506 TABLE OF LAND USES

506.1 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

[31] Amended 04/06/2013
[32] Amended 04/06/2013

which such building, structure, land and water area is located.

All Land Use Activities as indicated in Table 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.

506.2 Table of Land Use Key

A. **Key to Table 506.2**

KEY WORD	DEFINITION
(P)	Allowed/Permitted (no permit required, but the use must comply with all applicable land use standards)
(N)	Not Allowed/Prohibited
(PB)	Requires approval by the Planning Board
(CEO)	Requires permit issued by the Code Enforcement Officer
(SD)	Requires Subdivision approval by the Planning Board
(S)	Requires Site Plan Review approval by the Planning Board

B. **District Abbreviations**

(RP)	Resource Protection	(H)	Historic
(LR)	Limited Residential	(R-1)	Rural Residential-1
(G-1)	General Purpose 1	(R-2)	Rural Residential-2
(G-2)	General Purpose 2	(R-3)	Rural Residential-3
(G-3)	General Purpose 3	(F-F)	Farm and Forest
(V-1)	Village 1	(APO)	Aquifer Protection Overlay
(V-2)	Village 2	(DT)	Downtown
(V-2)	Village 3	(SP)	Stream Protection

506.2 POLAND'S LAND USES CHART BY DISTRICTS

DESCRIPTION	V-1	V-2	V-3	V-4	DT	H	R-1	R-2	R-3	F-F	G-1	G-2	G-3
RESIDENTIAL USES													
Accessory Uses & Structure	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Accessory Apartment 5	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	N	N	N
Accessory Residential Structure 3	CEO	CEO	CEO	CEO	CEO	N	CEO	CEO	CEO	CEO	N	N	N
Cluster Development	SD	SD	SD	SD	SD	N	SD	SD	SD	SD	N	N	N
Dwelling, Single Family	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	N	N	N
Dwelling, Manufactured Housing def A. & C. (Chap 14)	N	N	N	N	CEO	N	CEO	CEO	CEO	CEO	N	N	N
Dwelling, Two Family, Duplex	CEO	CEO	CEO	CEO	CEO	N	CEO	CEO	CEO	CEO	N	N	N
Dwelling, Multi-Family (3 or more)	SD	N	N	SD	SD	SD	N	N	N	N	N	N	N
(FPN: Elderly, disabled & Adult Community Deleted)													
Planned Residential Development	SD	SD	SD	SD	SD	SD	SD	SD	SD	SD	N	N	N
Home Occupation 1	PB	PB	PB	PB	PB	PB	PB	PB	PB	CEO	CEO	CEO	CEO
Manufactured Housing Community 2	N	N	N	N	N	N	N	N	SD	N	N	N	N
COMMERCIAL USES													
Accessory Uses & Structure 3	S	S	S	S	S	S	S	S	S	S	S	S	S
Adult Book Store/Adult Video Store	N	N	N	N	N	N	N	N	N	N	S	N	N
Adult Entertainment Facility	N	N	N	N	N	N	N	N	N	N	S	N	N
Airports	N	N	N	N	N	N	N	N	N	N	N	N	N
Antenna, Saucer, Tower (Commercial)	S	S	S	S	S	S	S	S	S	S	S	S	S
Bed & Breakfast	S	S	S	S	S	S	S	S	S	S	N	N	N
Business (Primary Function)	S	N	S	S	S	S	N	N	N	N	S	S	S
Campgrounds Transient	S	N	S	N	N	N	N	N	N	S	N	N	N
Day Care Facility	S	S	S	S	S	S	S	S	S	N	N	N	N
Farm Market	S	S[6]	S	S	S	S	S[6]	S[6]	S[6]	S	S	S	S
Farm Stand	CEO	CEO	CEO	CEO	S	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Grocery Store	S	N	N	S	S	N	N	N	N	N	S	S	S
Home Day Care	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Hotel/ Motel	S	N	N	S	S	S	N	N	N	N	N	N	N
Kennel	N	N	N	N	N	N	N	N	N	S	S	S	S
Mini Malls	S	N	N	S	S	S	N	N	N	N	N	N	N
Pet Store	S	N	S	S	S	N	N	N	N	N	N	N	N
Neighborhood Convenience Store (with or w/o fuel islands)	S	N	S	S	S	N	N	N	N	N	S	N	N
Nurseries/Greenhouses	S	N	N	S	S	S	N	N	N	S	S	S	S
Offices; Business, Medical, Professional	S	N	S	S	S	S	N	N	N	N	S	S	S
Recreational Facilities (Commercial)	S	N	N	S	S[9]	S	S	N	N	N	N	N	N

DESCRIPTION	V-1	V-2	V-3	V-4	DT	H	R-1	R-2	R-3	F-F	G-1	G-2	G-3
Restaurants (Includes Taverns, Bars)	S	N	S	S	S	S	N	N	N	S[4]	S	N	N
Signs	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Small Engine Repairs	S	N	N	S	N	N	N	N	N	S	S	S	S
Vehicles: Body Shop, Repair	S	N	N	S	N	N	N	N	N	N	S	S	S
Vehicles: Sales and/or Service	S	N	S	S	N	N	N	N	N	N	S	S	S
Vehicles: Service Station	S	N	N	S	N	N	N	N	N	N	S	N	N
INDUSTRIAL USES													
Accessory Use & Structure [3]	S	S	S	S	S	N	S	S	S	S	S	S	S
Abattoir (Slaughter House)	N	N	N	N	N	N	N	N	N	N	N	N	S
Agriculture: Process & Storage	N	N	N	Y	N	N	N	N	N	S	S	S	S
Auto Graveyards/Junk yards	N	N	N	N	N	N	N	N	N	N	N	N	S
Bottling Facility	N	N	N	N	N	N	N	N	N	N	S	S	S
Breweries and Distilleries	N	N	N	Y[10]	N	N	N	N	N	N	S	S	S
Microbreweries and Brew Pubs	S	N	N	S	S	N	N	N	N	N	N	N	N
Gravel Pits, Quarries	S	N	S	N	N	S	S	S	S	S	S	S	S
Hazmats: Mfg., Storage, Distribution	N	N	N	N	N	N	N	N	N	N	N	N	S
Industrial, General	N	N	N	N	S	N	N	N	N	N	S	S	S
Laboratories, Research	N	N	N	N	S	N	N	N	N	N	S	S	S
Manufacturing, General	N	N	N	N	S[8]	N	N	N	N	N	S	S	S
Sawmills	N	N	N	N	N	N	N	N	N	S	S	S	S
Sewerage Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S
Trucking/Distribution Terminal	N	N	N	N[11]	N	N	N	N	N	N	S	S	S
Waste Disposal	N	N	N	N	N	N	N	N	N	S	S	S	S
Yard: Salvaged Materials & Scrap Metal	N	N	N	N	N	N	N	N	N	N	S	S	S
INSTITUTIONAL AND GOVERNMENTAL													
Accessory Structure/Uses [3]	S	S	S	S	S	S	S	S	S	S	S	S	S
Campgrounds: Religious Assoc., Clubs	S	N	S	N	N	S	S	N	N	S	N	N	N
Clinic, Medical	S	N	S	S	S	S	N	N	N	N	N	N	N
Congregate Care Facility	S	S	S	S	S	S	S	S	S	N	N	N	N
Group Home	N	N	N	N	S	N	N	N	N	S	N	N	N
Hospice /Nursing Home	S	N	S	S	S	S	N	N	N	N	N	N	N
Hospital, >10 overnight beds	S	N	S	N	S	S	N	N	N	N	N	N	N
Hospital, <=10 overnight beds	S	N	N	N	S	N	N	N	N	N	N	N	N
Library	S	S	S	N	S	S	S	S	S	S	N	N	N
Museum	S	S	S	S	S	S	S	S	S	S	S	S	S

DESCRIPTION	V-1	V-2	V-3	V-4	DT	H	R-1	R-2	R-3	F-F	G-1	G-2	G-3
Public Buildings, Administrative	S	S	S	N	S	S	N	N	N	N	S	S	S
Public Facilities, Operational	S	N	S	N	S	N	S	N	S	N	S	S	S
Religious Institution	S	S	S	N	S	S	S	S	S	S	N	N	N
Recreational Facilities, Municipal or State	S	S	S	N	S	S	N	S	S	S	S	S	S
Schools	S	S	S	N	S	N	S	S	S	S	N	N	N
Utilities (above and below ground)	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities, Service Structures	S	S	S	S	S	S	S	S	S	S	S	S	S
OPEN SPACE USES/OTHER USES													
Agriculture	P	P	P	P	N	P	P	P	P	P	P	P	P
Cemeteries	S	S	S	N	S	S	S	S	S	S	N	N	N
Confined Feeding Operations	N	N	N	N	N	N	N	N	N	S	S	S	S
Filling <200 cubic Yards	P	P	P	P	P	P	P	P	P	P	P	P	P
Filling 200-1,000 Cubic Yards	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Filing >1,000 Cubic Yards	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
Timber Harvesting	P	P	P	P	P	P	P	P	P	P	P	P	P
Uses Similar to Permitted Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Uses Similar to Use Requiring Permit From	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Use requiring Site Plan Review	S	S	S	S	S	S	S	S	S	S	S	S	S
Uses Similar to Use Requiring Planning Board Approval	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Prohibited Uses	N	N	N	N	N	N	N	N	N	N	N	N	N

NOTES:

1 Refer to Chapter 5-108.11.

2 Existing Parks may expand with Subdivision Approval.

3 Refer to Chapter 508.23.

4 In Existing Structures Only.

5 Only permitted in the Shoreland Area Zoned Village if lot area, shore frontage, and street frontage meet or exceed that required for two single family dwelling units.

6 The lot upon which the Farm Market is located shall be at least twenty (20) acres in size and shall be a working farm.

7 Only on lots abutting Bakerstown Road (Route 11) on the easterly side of the road between Maine Street (Route 26) and White Oak Hill Road.

8 Manufacturing allowed only if there is also a retail outlet on the premises.

9 Indoor recreational facilities only, limited to no more than 15,000 sq. ft. per structure.

10 Maximum 40,000 sf of floor area

11 Permitted if in existence as of April 2, 2011. Any expansions or enlargements of such uses shall be in conformance with all provisions of this ordinance including Section 508.33. In addition, access onto Route 26 shall not be permitted.

For the Table of Land Uses in the Limited Residential and Resource Protection Districts see Section 508.27.

[33]

[33] Amended 4-28-2001; 4-27-2002; 4-05-2008; 9-24-2008; 4-2-2011

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. [34]

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^2) 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^2) per lot.

      (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^2) 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. [35]

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

[34] Amended 4-29-2006
[35] Amended 4-07-2007

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). [36]

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. [37]

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) shall be considered sidelines.[38]

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. [39]

M. Lots for Duplexes

1. Non Subdivision Lots - Lots for a duplex shall meet all the dimensional requirements for a single family structure. [27]

2. Subdivision Lots - Lots in an approved subdivision, whether standard or cluster size lots, may have duplex

[36] Amended 4-30-2005
[37] Amended 4-29-2006
[38] Amended 04/06/2013
[39] Amended 4-26-2003

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^2) 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^2) 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. [40]

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.[41]

507.2 Space and Bulk Standards-[42]

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%[4/6].
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[1/3]
   b. Rear 25 Feet
   c. Side 25 Feet
   d. Normal High Water Mark Great Pond 75 feet
   e. Upland edge of a Wetland 75 feet
7. The minimum accessory structure setbacks shall be as follows:
   a. Front 50 feet[1/3]
   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%[6].

[40] Added 4-07-2007
[41] Added 04/06/2013
[42] Amended 04/06/2013

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[1/3/7]
    b. Rear 10 Feet
    c. Side 10 Feet[7]
    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[1/3/7]
    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[1/3]
    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[1/3]
    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[1/3]
    b. Rear 40 Feet
    c. Side 40 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[1/3]
   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[1/3]
   b. Rear 40 Feet
   c. Side 40 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[1/3]
   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[1/3]
   b. Rear 25 Feet
   c. Side 40 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[1/3]
   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

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 (35) feet.
6. The minimum principal structure setbacks shall be as follows:
    a. Front 50 feet[1/3]
    b. Rear 25 Feet
    c. Side 40 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[1/3]
    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

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%.
5. The Maximum Structure Height shall not exceed (35) feet.
6. The minimum principal structure setbacks shall be as follows:
    a. Front 50 feet[1/3]
    b. Rear 25 Feet
    c. Side 40 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[1/3]
    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

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 (35) feet.
6. The minimum principal structure setbacks shall be as follows:
    a. Front 50 feet[1/3]
    b. Rear 25 Feet

c. Side 40 Feet
d. Normal High Water Mark 75 feet

7. The minimum accessory structure setbacks shall be as follows:
   a. Front 50 feet[1/3]
   b. Rear 25 Feet
   c. Side 20 Feet
   d. Normal High Water Mark 75 feet

J. Stream Protection 2

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 (35) feet.
6. The minimum principal structure setbacks shall be as follows:
   a. Front 50 feet[1/3]
   b. Rear 25 Feet
   c. Side 40 Feet
   d. Normal High Water Mark 75 feet
7. The minimum accessory structure setbacks shall be as follows:
   a. Front 50 feet[1/3]
   b. Rear 25 Feet
   c. Side 20 Feet
   d. Normal High Water Mark 75 feet

K. Resource Protection

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 (35) feet.
6. The minimum principal structure setbacks shall be as follows:
   a. Front 50 feet[1/3]
   b. Rear 25 Feet
   c. Side 40 Feet
   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[1/3]
   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[43]

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

[43] Amended 04/06/2013

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. Reserved
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.

A. Exemption: Public Utility Lot. [44]

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.

   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. [45]

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

[44] Added 4-27-2002
[45] Added 4-07-2007

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 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 and Accessory Residential Structure

A. Accessory Apartment

1. Purpose. The purpose of these standards is to provide less expensive rental units; make housing units available to lower income households who might otherwise have difficulty finding housing in 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.

B. Accessory Residential Structure

1. Purpose. The purpose of these standards is to allow for 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.

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:

   a. The structure to be converted to the dwelling unit legally existed as of the effective date of the subsection; (June 2000)

   b. The lot is located in a District that allows two family dwellings and duplexes;

   c. The structure has a minimum of six hundred (600) sq. ft. of floor area;

   d. The structure to be converted shall not be increased in footprint area or height;

   e. The lot shall have a minimum of twice (2) the lot size requirement for the district in which it is located.

   f. The converted structure shall meet all setback requirements for a principal structure;

   g. The converted structure shall meet all Building Code requirements when completed;

   h. All building, plumbing, electrical permits and applicable fee requirements shall be met; and

   i. The converted 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.

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. [46]

B. Dimensional requirements for all multi-family dwellings shall meet or exceed the following: [47]

   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 Village District, the lot size shall equal or exceed forty thousand (40,000) sq. ft. per dwelling unit.

   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 (NFPA) 1141 and 1142.[160]

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.

[46] Amended 9-24-2008
[47] Amended 4-27-2002
[160] Amended 4-2-2011

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. [48]

508.8 See Section 615. [49]

508.9 Mobile Home Parks [50]

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.

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

[48] Added 4-27-2002
[49] Moved to Section 615
[50] Also know as Manufactured Home Communities

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.

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 Housing Construction and Safety Standards Act of 1974", United States Code, Title 42, Chapter 70, to be located in the Town of Poland: [51]

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~~d~~ 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.[159]

1. No more than one (1) person who does not make the residence his or her permanent home may be employed;

[51] Amended 4-27-2002

2. Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;

3. Except as provided in Subsection 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; [52]

4. There is no objectionable increase in traffic over that which is normal for the neighborhood; [53]

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;

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.

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. [54]

C. Yard Sales, Garage Sales, Lawn Sales, etc. – Yard sales are permitted without a need for permit provided: [42]

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

[52] Amended 4-27-2002
[53] Amended 9-24-2008
[54] 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.
[159] Amended 4-2-2011

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. [55]

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.

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.

[55] Amended 4-04-2009

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. [56]

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).

	Shoreland Area	Non-Shoreland
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. [57]

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;

[56] Also known as Manufactured Housing
[57] Amended 4-29-2006

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. [58]

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:

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 1991and 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

[58] Amended 4-27-2002

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.

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. [59]

H. Signs Requiring a Code Enforcement Officer Sign Permit - The following types of signs may be erected in all Zoning Districts following the issuance of a permit from the Code Enforcement Officer.

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 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 that 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. [60]

   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, Rural Residential, General Purpose, and Village Districts. The following standards shall govern the installation of signs in the Farm and Forest, Rural Residential, General Purpose, and Village Districts.

   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. [61]

[59] Amended 4-27-2002
[60] Amended 4-29-2006
[61] Also known as Manufactured Housing

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 on State Highway Routes 11, 26, 121 and 122. The following types of Permanent signs shall be permitted on State Highway Routes 11, 26, 121 and 122:

a. Awning Signs: (refer to Section 508.18.I.3.j - special requirements)

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 the grade. Ground signs with less than four (4) foot clearance above grade shall be permitted if it is determined by the Code Enforcement Officer, following an on-site inspection of the premises, that the sign and its structural support will not create or aggravate a safety hazard.

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) Routes 11, 26, 121 and 122; each premises shall be permitted one (1) freestanding ground sign up to thirty- two (32) sq. ft. In addition a sixteen (16) 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 sixty-four (64) 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, and Limited 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 use located in the General Purpose or Village Districts encompassing Routes 11, 26, 121, and 122 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.

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.

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.

508.19 Surface and Subsurface Excavation

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. [62]
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;

[62] Amended 4-27-2002

3. Unless renewed, all permits issued hereunder shall expire on June 30th of each year;

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 grubbings 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 ledgerock 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

Activity	Minimum Required Parking
Child care facility	1 space for every 4 children facility is licensed to care for
Private clubs or lodges	1 space per every 75 sq. ft. of floor space
Theater, auditoria, public assembly	1 space per three seats based upon maximum seating capacity
Funeral homes	1 space for every 100 sq. ft. of floor space
Medical care facilities	1 space for every 3 beds and every 2 employees on the maximum working shift
Offices, banks	1 space for every 150 sq. ft. of floor space
Medical offices	1 space per employee and 5 spaces per physician
Veterinarian clinic	5 spaces 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. [63]

      (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.

[63] Amended 4-27-2002

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). [53]

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 five hundred (500) 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 five hundred (500) 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. [64]

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

[64] Amended 4-30-2005

or event. [65]

508.27 Shoreland Areas - The following provisions shall apply only to the land areas that are depicted on the Official Land Zoning Map and are within:[66]

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[67]

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[68]

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[1]	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[2]	PB	PB

[65] Added 4-07-2007
[66] Amended 04/06/2013
[67] Added 04/06/2013
[68] Amended 04/06/2013

LAND USES	SP1	SP2	RP	LR	LC
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
14. Aquaculture	PB	PB	PB	PB	PB
15.Principal structures and uses A. Single family residential including driveways	PB	PB	N[3]	PB[11]	PB[11]
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. Structures accessory to allowed uses	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 B. Permanent C. Permanent (only those relating to existing dams)	CEO N PB	CEO N PB	CEO N PB	CEO N PB	CEO N PB
18. Conversions of seasonal residences to year-round residences	N	N	N	CEO	CEO
19. Home Occupations A. Within Residence B. Outside of Residence	PB N	PB N	PB N	PB N	PB N
20. Private sewage disposal systems for allowed uses(no new system variances allowed) A. Replacement of existing systems(see State standards)	LPI[4] LPI[10]	LPI[4] LPI[10]	LPI[4] LPI[10]	LPI[4] LPI	LPI[4] LPI
21. Essential services A. Roadside distribution lines (34.5kV and lower) B. Non-roadside or cross country distribution lines involving 10 poles or less C. Non-roadside or cross country distribution lines involving 11 poles or more D. Other Essential Services	PB[5] PB[5] PB[5] PB[5]	PB[5] PB[5] PB[5] PB[5]	PB[5] PB[5] CEO[5] PB[5]	PB CEO CEO PB	PB CEO CEO 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	N	N	N[6]	N[6]	N[6]
26. Road construction	N[9]	N[9]	N[9]	PB	PB
27. Parking facilities	N	N	N[7]	PB	PB
28. Marinas	N	N	N	N[8]	N[8]
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

LAND USES	SP1	SP2	RP	LR	LC
35. Uses similar to permitted uses	P[12]	P[12]	P[12]	P[12]	P[12]
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: [69]

   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

[69] Amended 4-04-2009

retaining walls, nor to other functionally water-dependent uses. [70]

b. Accessory structures on conforming lots shall be twenty (20) feet from side and rear lot lines. [71]

c. 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.

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. [72]

d. Side and road setbacks for accessory structures on nonconforming lots of record may be reduced up to fifty percent (50%) by a special exception approved by the Planning Board provided that the accessory structure is located between the road and the lake side of the principal structure and does not encroach on the one hundred (100) foot shore setback requirement. The Board of Appeals may not vary these setbacks. A structure shall not be less than twenty (20) feet from the side lot lines.

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;

[70] Amended 4-27-2002
[71] Amended 4-30-2005
[72] Amended 4-29-2006

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 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 much;

(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. [73]

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. [74]

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fish, wildlife and waterfowl habitats.

4. 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]

5. 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. [75]

6. No existing structure built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to a residential dwelling unit in any district.

[73] Added/Amended 4-04-2009
[74] Amended 4-30-2005; Amended 4-04-2009
[75] 4-04-2009

7. 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.

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. 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. [76]

3. 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. [65]

4. 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.

5. 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.

6. 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 shall be a minimum of one hundred (100) feet, horizontal distance, from the normal high water line or upland edge of a wetland. [65]

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. [65]

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

[76] Amended 4-04-2009

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. [77]

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. [66]

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%). [66]

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. [66]

8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply: [66]

   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: [66]

Grade (percent)	Spacing (feet)
0-2	250
3-5	200-135
60	100-80
115	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. [66]

   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. [66]

[77] Amended 4-4-2009

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. [78]

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 [151] 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. [67]

3. Damaged or destroyed public utility transmission and distribution lines, tower and related equipment may be replaced or reconstructed without a permit. [67]

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 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) fee, horizontal distance, of the normal high water line of any other water body, tributary stream, or upland edge of a wetland. [67]

K. Agriculture

1. All spreading of manure shall be accomplished in conformance with Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and Nutrient Management Law (7 M.R.S.A. section 4201-4209). [67]
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

[78] Amended 4-4-2009
[151] Amended 4-2-2011

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. [67]

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. [79]

L. Reserved. [80]

M. Clearing or Removal of Vegetation for Development Other Than Timber Harvesting or Individual Private Campsites [70]

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 safety hazards.

   Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.[70]

2. Except in areas as described in Paragraph 1., above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a Great Pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

   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 footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is permitted provided that a cleared line of sight to the water through the buffer strip is not created 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: [81]

Diameter of tree at 4½ feet above ground level(inches)	Points
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. [70]

   The following shall govern in applying this point system:

[79] Amended 4-4-2009
[80] Amended 04/06/2013
[81] Amended 4-4-2009

(1) The twenty (25) foot by fifty (50) foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(2) Each successive plot must be adjacent to, but not overlap a previous plot;

(3) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

(5) Where conditions permit, 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. [70]

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. [70]

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 trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in Paragraph 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. [70]

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. [82]

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as permitted by this Section. [71]

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. [71]

[82] Amended 4-4-2009

N. 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.

O. 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:[83]

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: [71]

   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 ground floor area, 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. [71]

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. [84] 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.

[83] Amended 04/06/2013
[84] Amended 04/06/2013

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 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).[85]

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).[86]

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

[85] Amended 04/06/2013
[86] Amended 04/06/2013

following new commercial, industrial and home occupation uses are prohibited within the Aquifer Protection Overlay District:

- 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
- 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, 1995 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, 1995, 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.

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, 1995, 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. [87]

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

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.

[87] Added 4-26-2003

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[88] - 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 [154] 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.

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.

[88] Added 04-04-2009
[154] Amended 4-2-2011

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 three (3) two point five (2.5) inch caliper street trees, six (6) four (4) foot high under story trees, ten (10) twelve (12) inch high evergreen or fifteen (15) inch high deciduous shrubs and five (5) three (3) 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.

c. The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings required by section 508.33.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 508.33.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 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 508.33.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 (100) feet. Said setback may be exceeded if the width of the landscape buffer required in section 508.33.D.1.b is increased to seventy-five (75) feet and the number of plantings described in subsection 508.33.D.1.b is proportionately increased. [154]

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 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. Any residential construction project that is deemed to be conforming in the Shoreland Zoning Districts of this Code by the Code Enforcement Officer need not be reviewed by the Planning Board. [89]

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.

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

[89] Amended 4-30-2005
[154] Added 4-2-2011

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

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. [90]

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 applicant shall show proof that the property owners within five hundred (500) feet of the edge of the applicant's property lines were notified, by certified mail, Return Receipt Requested, 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. Proof of mailing receipts shall be postmarked at least seven days prior to the scheduled meeting date. [74]

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.

[90] Amended 4-30-2005

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.

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. [91]

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 applicant shall notify the property owners within five hundred (500) feet of the edge of the applicant's property lines by certified mail, Return Receipt Requested, of a pending application for Site Plan Review. This notice shall indicate the time, date and place of the Planning Board's first consideration of the application. The applicant shall show proof that the abutting property owners were notified. Proof of mailing receipts shall be postmarked at least seven days prior to the scheduled meeting date. [75]

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

[91] Amended 4-26-2003

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.

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 K., above, are subject to review and approval by the Planning Board.

509.8 Site Plan Review Application Requirements - Within six (6) months after the on-site Inspection by the Planning Board, the applicant shall submit an application for approval of Site Plan Review at least ten (10) days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail to the Planning Board in care of the Code Enforcement Officer (CEO) or delivered by hand to the CEO. Failure to submit the application within six (6) months shall require resubmission of the Sketch Plan to the Board.

A. Submission Requirements - The submission shall contain at least the following exhibits and information:

1. The 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, nine (9) copies of the Final Plan and all accompanying information shall be delivered to the Code Enforcement Office no less than seven (7) days prior to the meeting. Space shall be provided on the Site Plan for the signatures of the Planning Board and date with the following words. Approved: Town of Poland Planning Board. [92]

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,

[92] Amended/Added 4-27-2002

Professional Engineer, Geologist and/or person who prepared the Plan;

i. The signed Return Receipt Request Cards or copies notifying abutters as required in section 509.7.G;

j. Written response from the Road Commissioner, Police Department, Fire Chief, Rescue Chief, and School Superintendent; and [76]

k. If applicable, list all permits or approvals required from state or federal government for this project. [65]

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. [93]

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.

[93] Amended 4-27-2002

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.

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. 77

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. 77
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. 67

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 (½) 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.

Posted Speed Limit	Sight Distance
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.

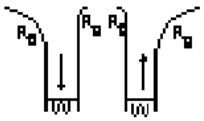
Table 509.9.E.4.b / MEDIUM VOLUME DRIVEWAY DESIGN

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.

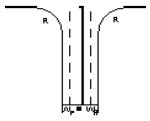
Table 509.9.E.4.c / HIGH VOLUME DRIVEWAY DESIGN

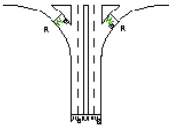
Item	Desired Value (ft.)	Minimum Value (ft.)	Maximum Value (ft.)
W/O CHANNELIZATION R (radius) W (drive width) M (median)	 50 24 6	 30 20 6	 50 26 10
W/CHANNELIZATION R (radius) W (drive width) M (median) WR (outside radius)	 100 24 6 20	 75 20 6 16	 100 26 10 20

*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 comer (point of tangency) to edge of intersection comer (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 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. [94]

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 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. [95]

[94] See copy of Me. DEP. Chapter 375, "No Adverse Environmental Effects Standards of the Site Location"; Amended 4-27-2002
[95] Rewritten/Amended 4-29-2006

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.

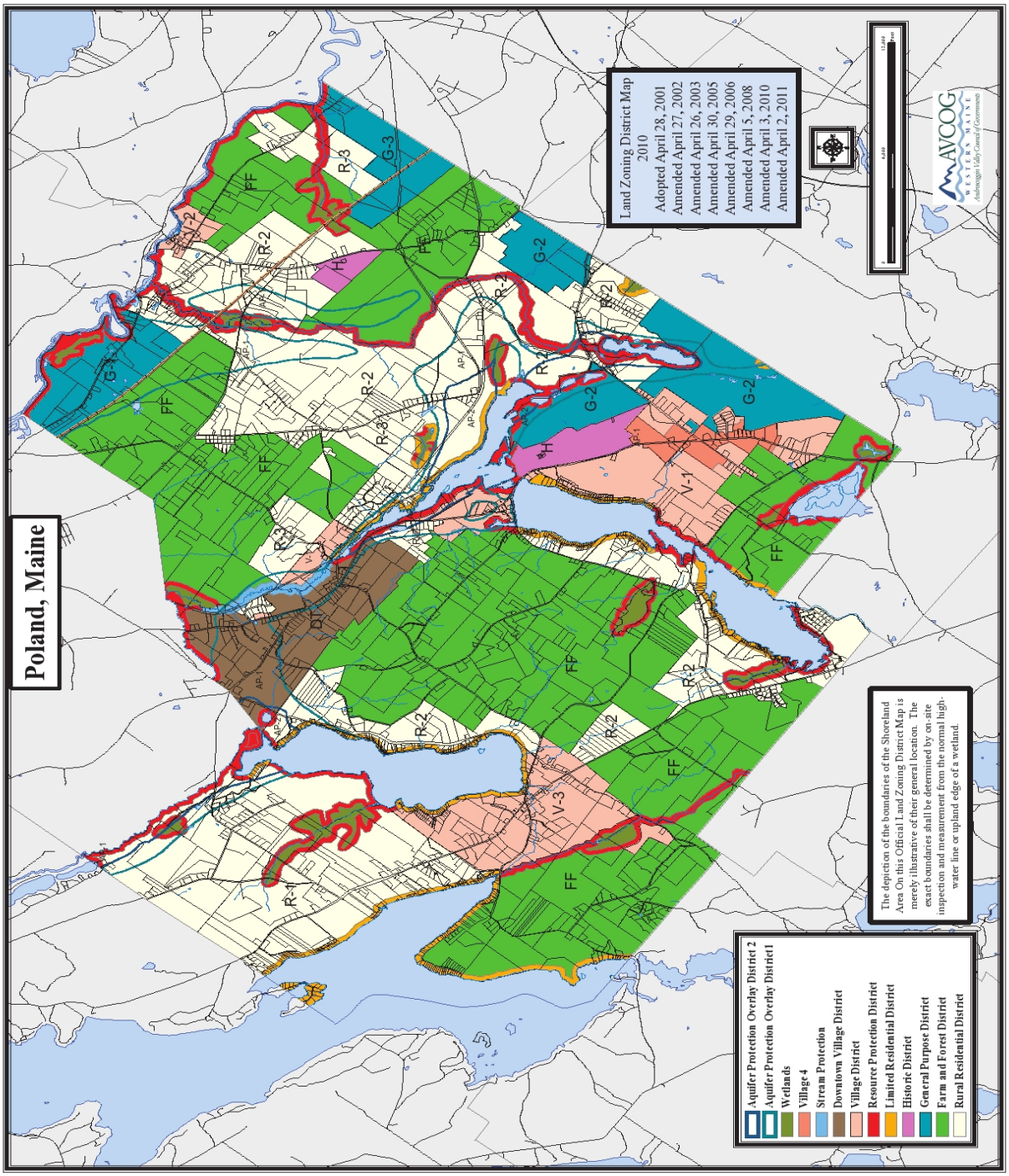
509.10 Waivers - Where the Board makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this Code are not necessary to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking 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.

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. [96]

[96] Added 4-26-2003

[1]



Amended 4-04-2009

[1] Amended 9-24-2008

End of Chapter 5

CHAPTER 6 - SUBDIVISION STANDARDS

601 Short Title - This Chapter shall be known and may be cited as the "Subdivision Standards for the Town of Poland, Maine."

602 Purposes and Applicability

602.1 Purposes - The purposes of this Chapter are:

A. To provide for an expeditious and efficient process for the review of proposed Subdivisions;

B. To clarify the approval criteria of the State Subdivision Law, found in Title 30-A, M.R.S.A. Section 4404;

C. To assure that new development meets the goals and conforms to the policies of the Town of Poland Comprehensive Plan;

D. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Poland;

E. To protect the environment and conserve the natural and cultural resources identified in the Town of Poland Comprehensive Plan as important to the community;

F. To assure that a minimal level of services and facilities are available to the residents of new Subdivisions and that lots in Subdivisions are capable of supporting the proposed uses and structures;

G. To minimize the potential impacts from new Subdivisions on neighboring properties and on the Municipality; and

H. To promote the development of an economically sound and stable community.

602.2 Applicability - The provisions of this Chapter shall pertain to all land and buildings proposed for Subdivision within the boundaries of the Town of Poland, Maine.

603 ADMINISTRATION

A. The Planning Board of the Town of Poland, hereinafter called the Board, shall administer this Chapter.

B. No person, firm, corporation or other legal entity may sell, lease, develop, offer or agree to sell, lease, develop, built upon or convey for consideration any land in a Subdivision which has not received Planning Board approval and been recorded in the Androscoggin County Registry of Deeds. No public utility, or any utility district or company of any kind shall install services to any lot in a Subdivision which has not received Board approval and then recorded in the Androscoggin County Registry of Deeds. A Subdivision Plan recorded without Board approval is void.

604 ADMINISTRATIVE PROCEDURES - In order to establish an orderly, equitable and expeditious procedure for reviewing Subdivisions and to avoid unnecessary delays in processing applications for Subdivision Review, the Board shall prepare a written agenda for each regularly scheduled meeting. Planning Board meetings shall be conducted in accordance with Chapter 2 of this Code.

A. The agenda shall be prepared no less than one (1) week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the Municipal Office.

B. 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 the Code Enforcement Officer.

C. 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.

D. The Board shall take no action on any application not appearing on the Board's written agenda.

605 PRE-APPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

605.1 Purpose - The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed Subdivision 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.

605.2 - Procedure

A. The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed Subdivision.

B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.

C. The date of the on-site inspection is selected.

605.3 Submissions - The Pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered, must be to scale, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. The applicant shall submit Sketch Plans of both a Traditional Subdivision layout and Cluster Subdivision. The Sketch Plans shall be accompanied by a written narrative of the advantages and disadvantages of both Subdivision techniques in relation to the particular site. Based on the written narratives, the policies of the Town of Poland Comprehensive Plan and Section 613.9.A the Planning Board shall within thirty (30) days of receipt of the Sketch Plans determine whether a Traditional Subdivision or Cluster Subdivision design will be required. 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. The Sketch Plan shall be accompanied by: [97]

A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed Subdivision unless the proposed Subdivision is less than ten acres in size.

B. A copy of that portion of the county soil survey covering the proposed Subdivision, showing the outline of the proposed Subdivision.

C. The applicant shall show proof that abutting property owners within five hundred feet (500') of the applicant's property lines were notified by certified mail, Return Receipt Requested 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. Proof of mailing receipts shall be postmarked at least seven days prior to the scheduled meeting date.

605.4 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. When an on-site Inspection is conducted the following shall apply.

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 centerline of any proposed streets, and at the approximate intersections of the street centerlines 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.

[97] Amended 4-30-2005

605.5 Rights Not Vested - The Pre-application Meeting, the submittal or review of the Pre-application 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.

606 MINOR SUBDIVISION

606.1 General - The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A, M.R.S.A. Section 4404, or the standards from Section 613 of this Chapter, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

606.2 Procedure

A. Submittal of Application - Within six (6) months after the on-site Inspection by the Board, the applicant shall submit an application for approval of a Final Plan for a Minor Subdivision at least ten (10) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application within six (6) months shall require resubmission of the Pre-application Sketch Plan to the Board. This period may be extended for an additional thirty (30) day by mutual agreement of the Planning Board and applicant.

   The Final Plan for a Minor Subdivision shall approximate the layout shown on the Pre-application Sketch Plan, and any recommendations made by the Board.

B. Applicant Attendance for Presentation of Final Plan - The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the Final Plan for a Minor Subdivision. Failure to attend the meeting to present the Final Plan for a Minor Subdivision shall result in a delay of the Board's receipt of the Plan until the next meeting which the applicant is scheduled.

C. Planning Board Responsibilities Upon Presentation of a Final Plan for a Minor Subdivision - At the meeting at which an application for Final Plan for a Minor Subdivision is initially presented, the Board shall:

   1. Issue a dated receipt to the applicant.

   2. Notify in writing all owners of abutting property within five hundred feet (500') that an application for Subdivision approval has been submitted, specifying the location of the proposed Subdivision and including a general description of the project. Notification may be by regular mail.

   3. Notify the Clerk and the review authority of the neighboring Municipalities if any portion of the Subdivision abuts or crosses the Municipal boundary. [98]

D. Determination of Completeness of Final Plan for a Minor Subdivision - Within thirty (30) days of the receipt of the Final Plan for a Minor Subdivision, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. Should the applicant not provide the specific additional material needed to complete the application within (6) six months of the date of the initial determination of an incomplete application the application shall become void. Upon written request by the applicant and approval by the Planning Board this time period may be extended by six (6) months.

E. Notification of Applicant - Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination. The Board shall determine whether to hold a Public Hearing on the Final Plan for a Minor Subdivision application.

F. Public Hearing - If the Board decides to hold a Public Hearing, it shall:

   1. Hold the hearing within thirty (30) days of determining that it has received a complete application.

   2. Publish a notice of the date, time and place of the Public Hearing in a newspaper of general circulation in the

[98] Amended 4-30-2005

Municipality at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing.

3. Mail a copy of the notice to the applicant and abutters.

G. Finding of Facts and Conclusions of Law - Within thirty (30) days from the Public Hearing or within sixty (60) days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A, M.R.S.A. Section 4404 and the standards of Sections 612 and 613. If the Board finds that all the criteria of the State Statute and the standards of Sections 612 and 613 have been met, they shall approve the Final Plan for a Minor Subdivision. If the Board finds that any of the criteria of the State Statute or the standards of Sections 612 and 613 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the Subdivision. The Board shall issue a written notice of its decision to the applicant, including it findings, conclusions and any reasons for denial or conditions of approval.

H. Third-Party Consultants and Escrow - The Board shall establish the need for third-party review of the project by qualified consultants, and to establish the initial fees based on the Town's "Fee Schedule" for escrows to pay for their services. [99]

606.3 Submissions - The application for Minor Subdivision approval shall consist of the following items.

A. Application Form - A completed and signed Subdivision Application Form.

B. Location Map - The location map shall be drawn at a size adequate to show the relationship of the proposed Subdivision to the adjacent properties, and to allow the Board to locate the Subdivision within the Municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed Subdivision.

2. Locations and names of existing and proposed streets.

3. Boundaries and designations of Zoning Districts.

4. An outline of the proposed Subdivision and any remaining portion of the owner's property if the Plan submitted covers only a portion of the owner's entire contiguous holding.

C. Final Plan for Minor Subdivision - The Final Plan for a Minor Subdivision shall consist of two (2) reproducible, stable-based transparent originals, one to be recorded at the Androscoggin County Registry of Deeds, the other to be filed at the Municipal Office and ten(10) copies and one (1) pdf copy of the application and plans or drawings drawn to a scale of not more than one (1) inch equals one hundred (100) feet. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. The Final Plan shall be also provided in digital form as specified by the Planning Board. The Plan to be recorded at the Androscoggin County Registry of Deeds shall follow the requirements of Title 33, M.R.S.A. Section 652.

D. Application Requirements - The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds it necessary in order to determine whether the criteria of Title 30-A, M.R.S.A. Section 4404 and this Chapter are met. The Planning Board has the responsibility for making sure all eighteen (18) of the review criteria from the State Statute are met. Failure to submit information regarding anyone criterion therefore could result in a denial of the application.

1. Proposed name of the Subdivision, or identifying title, and the name of the Municipality in which it is located, and the assessor's map and lot numbers.

2. The name(s) and address(s) of the owner(s) of record, applicant, and individual or company who prepared the Plan. The adjoining property owners' names shall be shown. The Plan shall be embossed with the seal and

[99] Added 4-7-2007

signed by the State of Maine registered Professional Engineer or State of Maine registered Land Surveyor who prepared the Plan.

3. The date the Plan was prepared, magnetic north point, and graphic map scale.

4. The number of acres within the proposed Subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than twenty-four (24) inches in diameter at breast height shall be shown on the Plan. On wooded sites, the Plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.

5. The location of all rivers, streams and brooks within or adjacent to the proposed Subdivision. If any portion of the proposed Subdivision is located in the direct watershed of a Great Pond, the application shall indicate which Great Pond.

6. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.

7. The zoning district in which the proposed Subdivision is located, the location of any zoning boundaries affecting the Subdivision and the uses proposed for the lots. [100]

8. The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the Subdivision. The Plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.

9. Verification of right, title, or interest in the property.

10. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a State of Maine registered Land Surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The Plan shall indicate the type of monument found or to be set at each lot corner.

11. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

12. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the Subdivision.

13. An indication of the type of sewage disposal to be used in the Subdivision.

    a. When sewage disposal is to be accomplished by Subsurface Wastewater Disposal Systems, Test Pit Analyses, prepared by a State of Maine Department of Human Services licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

14. An indication of the type of water supply system(s) to be used in the Subdivision.

    a. When water is to be supplied by public water supply, a written statement from the servicing Water District shall be submitted indicating that there is adequate supply and pressure for the Subdivision and that the Water District approves the Plans for extensions where necessary. Where the Water District's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, and a written statement from the Water District approving the design of the extension shall be submitted.

    b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

[100] Amended 4-04-2009

c. When a proposed Subdivision is to be served by a private central water system or will contain multi-family dwellings, evidence of adequate ground water quantity shall be required.[101]

d. 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 (NFPA) 1141 and 1142.[170]

15. Wetland areas shall be identified on the Survey, regardless of size.

16. If the proposed Subdivision is in the direct watershed of a Great Pond, a Phosphorus Control Plan is required. If a Phosphorus Impact Analysis and Control Plan is required, the contour intervals must be no more than five (5) feet, the contours must be based on photogrammetric interpretation or field survey.

17. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

18. The location of any open space to be preserved and a description of proposed improvements and its management.

19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the Municipality, written evidence that the Municipal Officers have voted to recommend acceptance of the offer and that they are satisfied with the legal sufficiency of the written offer to convey title shall be included.

20. If any portion of the Subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the Town of Poland Flood Insurance Rate Map, shall be delineated on the Plan.

21. A Hydrogeologic Assessment prepared by a State of Maine certified Geologist or State of Maine registered Professional Engineer, with expertise in Hydrogeology when the Subdivision is not served by public sewer; and

    a. Any part of the Subdivision is located over a sand and gravel aquifer, as shown on a map entitled (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).[102]

    b. The Subdivision has an average density of more than one (1) dwelling unit per one hundred thousand (100,000) sq. ft.

    The Board may require a Hydrogeologic Assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one (1) dwelling unit per one hundred thousand (100,000) sq. ft. but the density of the developed portion is in excess of one (1) dwelling unit per eighty thousand (80,000) sq. ft.; or proposed use of shared or common subsurface wastewater disposal systems.

    The Hydrogeologic Assessment shall be conducted in accordance with the provisions of Section 612.12, below.

22. A Storm Water Management Plan, prepared by a State of Maine registered Professional Engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995 and as amended). The Board may not waive submission of the Storm Water Management Plan unless the Subdivision is not in the watershed of a Great Pond, the proposed Subdivision will not involve grading which changes drainage patterns, and the addition of

[101] Amended 9-24-2008
[102] Amended 04/06/2013

impervious surfaces such as roofs and driveways are less than five percent (5%) of the area of the Subdivision, the Plan shall be reviewed by the Androscoggin Valley Soil and Water Conservation District.

23. An Erosion and Sedimentation Control Plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, (published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991 and as amended). The Board may not waive submission of the Erosion and Sedimentation Control Plan unless the Subdivision is not in the watershed of a Great Pond, the proposed Subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways are less than five percent (5%) of the area of the Subdivision.

    a. A permit is required from the Maine Department of Environmental (DEP) for any activity which includes forty thousand (40,000) sq. ft. or more of impervious area, five (5) acre or more of disturb area and a permit will be required in some areas for development with twenty thousand (20,000) sq. ft. or more of impervious surface. The DEP will be applying both storm water quantity standards for all permits and quality standards for projects within the direct watershed of water bodies which are determined to be more sensitive.

24. Areas within or adjacent to the proposed Subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Town of Poland Comprehensive Plan. If any portion of the Subdivision is located within an area designated as a critical natural area by the Town of Poland Comprehensive Plan or the Maine Natural Areas Program, the Plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.

25. All areas within or adjacent to the proposed Subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the latest available Town of Poland Comprehensive Plan as sensitive or likely to contain such sites.

26. The location and method of disposal for land clearing and construction debris. A permit is required from the DEP when the disposal site is within one hundred (100) feet of a resource protected by the Natural Resources Protection Act.

27. The location of scenic sites or vistas as identified in the Town of Poland Comprehensive Plan.

28. The location and nature of agricultural land abutting the Subdivision.

29. The location of known archaeological resources.

30. A statement of the applicant's technical and financial capacity to carry out the project as proposed.

607 PRELIMINARY PLAN FOR MAJOR SUBDIVISION

607.1 Procedure

A. Submittal of Application - Within six (6) months after the on-site Inspection by the Board, the applicant shall submit an application for approval of a Preliminary Plan for a Major Subdivision at least ten (10) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application within six (6) months shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Pre-application Sketch Plan, and any recommendations made by the Board.

B. Applicant Attendance for Presentation of Preliminary Plan - The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the Preliminary Plan. Failure to attend the meeting to present the Preliminary Plan shall result in a delay of the Board's receipt of the Plan until the next meeting which the applicant attends.

C. Planning Board Responsibilities Upon Presentation of Preliminary Plans - At the meeting at which an application for Preliminary Plan approval of a Major Subdivision is initially presented, the Board shall:

1. Issue a dated receipt to the applicant.

2. Notify in writing all owners of abutting property that an application for Subdivision approval has been submitted, specifying the location of the proposed Subdivision and including a general description of the project.

3. Notify the Clerk and the review authority of the neighboring Municipalities if any portion of the Subdivision abuts or crosses the Municipal boundary.

D. Determination of Completeness of Preliminary Plan - Within thirty (30) days of the receipt of the Preliminary Plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. Should the applicant not provide the specific additional material needed to complete the application within six (6) months of the date of the initial determination of an incomplete application the application shall become void. Upon written request by the applicant and approval by the Planning Board this time period may be extended by six (6) months.

E. Notification of Applicant - Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination.

F. Public Hearing - If the Board decides to hold a Public Hearing, it shall:

1. Hold the Public Hearing within thirty (30) days of determining that it has received a complete application.

2. Publish a notice of the date, time and place of the Public 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.

3. Mail a copy of the notice to the applicant and abutters.

G. Finding of Facts and Conclusion of Law - Within thirty (30) days from the Public Hearing or within sixty (60) days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A, M.R.S.A. Section 4404 and the standards of Section 612 and 613. If the Board finds that all the criteria of Title 30-A, M.R.S.A. Section 4404 and the standards of Sections 612 and 613 have been met, they shall approve the Preliminary Plan. If the Board finds that any of the criteria of Title 30-A, M.R.S.A. Section 4404 or the standards of Sections 612 and 613 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the Subdivision. The Board shall issue a written notice of its decision to the applicant, including it findings, conclusions and any reasons for denial or conditions of approval.

H. Requirements for Municipal Impact Comments - The applicant shall notify the Road Commissioner, School Superintendent, Police Chief, Fire Rescue Chief of the proposed Subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The applicant shall request that these Officials comment in writing as to the adequacy of these Municipal Departments' existing capital facilities to service the proposed Subdivision. The applicant shall use forms supplied by the Board and make this part of Preliminary Plan application. 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.

A proposed Subdivision that cannot be adequately served by Municipal Departments, at time of Final Plan presentation, shall be developed in phases to allow for the Municipalities expansion of capital facilities.

I. Additional Requirements Preliminary to the Final Plan - When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the Final Plan;

2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and

3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the Final Plan.

J. Approval of a Preliminary Plan - Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of Preliminary Plan approval, if any. Prior to the approval of the Final Plan, the Board may require that additional information be submitted and changes in the Plan be made as a result of further study of the proposed Subdivision or as a result of new information received.

607.2 Submissions - The Preliminary Plan application shall consist of the following items.

A. Application Form - A completed and signed Subdivision Application Form.

B. Location Map - The location map shall be drawn at a size adequate to show the relationship of the proposed Subdivision to the adjacent properties, and to allow the Board to locate the Subdivision within the Municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed Subdivision.

2. Locations and names of existing and proposed streets.

3. Boundaries and designations of zoning districts.

4. An outline of the proposed Subdivision and any remaining portion of the owner's property if the Plan submitted covers only a portion of the owner's entire contiguous holding.

C. Preliminary Plan - The Preliminary Plan for a Major Subdivision shall consist of ten (10) copies and one (1) pdf copy of the application and plans and drawings, drawn to a scale of not more than one (1) inch equals one hundred (100) feet. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides.

D. Application Requirements - The application for approval of a Preliminary Plan for a Major Subdivision shall include the information required in Section 606.3.D.1 through 30 and the following: The Board may require additional information to be submitted, where it finds it necessary in order to determine whether the criteria of Title 30-A, M.R.S.A. Section 4404 and this Chapter are met.

1. The Town of Poland Comprehensive Plan makes a finding that adequate water resources to support one and two family homes, in both quantity and quality, are generally available throughout the Town of Poland.

   a. When a proposed Major Subdivision is not served by a Water District, evidence of adequate ground water quality shall be required for a proposed Subdivision in the vicinity of known sources of potential ground water contamination. The result of a primary inorganic water analysis performed upon a well on a parcel to be subdivided or from wells on adjacent parcels, between the parcel to be subdivided and the potential contamination source, shall be submitted.

   b. When a proposed Subdivision is to be served by a private central water system or will contain multi-family dwellings, evidence of adequate ground water quantity shall be required. [103]

2. A High Intensity Soil Survey produced by a State of Maine certified Soil Scientist. Conditions of saturation of a frequency and duration to support wetland vegetation, not necessarily the presence of that vegetation, shall require a Soil Survey for identification. Wetland areas shall be identified on the Survey, regardless of size.

[103] Amended 9-24-2008

3. A Hydrogeologic Assessment prepared by a State of Maine certified Geologist or State of Maine registered Professional Engineer, experienced in hydrogeology, when the Subdivision is not served by public sewer; and

   a. Any part of the Subdivision is located over a sand and gravel aquifer.

   b. The Subdivision has an average density of more than one (1) dwelling unit per one hundred thousand (100,000) sq. ft.

   The Board may require a Hydrogeologic Assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases may include but are not limited to extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one (1) dwelling unit per one hundred thousand (100,000) sq. ft. but the density of the developed portion is in excess of one (1) dwelling unit per eighty thousand (80,000) sq. ft.; or proposed use of shared or common subsurface wastewater disposal systems. [104]

   The Hydrogeologic Assessment shall be conducted in accordance with the provisions of Section 612.12, below.

4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, (published by the Institute of Transportation Engineers and as amended). Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

5. For Subdivisions involving forty (40) or more parking spaces or projected to generate more than four-hundred (400) vehicle trips per day, a Traffic Impact Analysis, prepared by a State of Maine registered Professional Engineer with experience in Traffic Engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

608 FINAL PLAN FOR MAJOR SUBDIVISIONS

608.1 Procedure

A. Submittal of Application - Within six (6) months after the approval of the Preliminary Plan, the applicant shall submit an application for approval of the Final Plan at least ten (10) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the Code Enforcement Officer or delivered by hand to the Code Enforcement Officer. Failure to submit the application for the Final Plan within six (6) months after Preliminary Plan approval shall require resubmission of the Preliminary Plan, except as stipulated below. The Final Plan shall approximate the layout shown on the Preliminary Plan, and any changes required by the Board. If an applicant cannot submit the Final Plan within six (6) months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the Final Plan and in pursuing approval of the Plans before other agencies, and that this Code, Municipal standards, ordinances or regulations which may impact on the proposed development have not been amended.

B. Applicant Attendance for Presentation of Final Plan - The applicant, or the applicant's duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan. Failure to attend the meeting to present the Final Plan application shall result in a delay of the Board's receipt of the Plan until the next meeting which the applicant attends.

C. Planning Board Responsibilities Upon Presentation of Final Plan - At the meeting at which an application for Final Plan approval of a Major Subdivision is initially presented, the Board shall issue a dated receipt to the applicant.

D. Determination of Completeness of Final Plans - Within thirty (30) days of the receipt of the Final Plan application,

[104] Amended 4-30-2005

the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application. Should the applicant not provide the specific additional material needed to complete the application within six (6) months of the date of the initial determination of an incomplete application the application shall become void. Upon written request by the applicant that presents reasonable cause for an extension and approval by the Planning Board this time period may be extended by six (6) months.

E. Notification of Applicant - Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant. The Board shall determine whether to hold a Public Hearing on the Final Plan application.

F. Public Hearing Requirements - If the Board decides to hold a Public Hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two (2) times, the date of the first publication to be at least seven (7) days before the hearing. In addition, the notice of the hearing shall be posted in at least three (3) prominent places within the Municipality at least seven (7) days prior to the hearing.

G. Required Approvals Prior to Submission of Final Plan Application - Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act requires DEP permits for (a) Residential Subdivisions with fifteen (15) or more lots and land area of thirty (30) acres or more, for (b) Non-Residential Subdivisions of five (5) or more lots and land area of twenty (20) acres or more.

2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a Storm Water Management Permit or a Wastewater Discharge License is needed.

   a. Required for any activity that includes twenty thousand (20,000) sq. ft. or more of impervious area or five (5) acres or more of disturbed area in Poland's lake watersheds.

   b. Discharge of wastewater into surface water bodies requires a permit.

3. Maine Department of Human Services (DHS), if the applicant proposes to provide a public water system.

   a. Approval from the DHS Drinking Water Program is necessary for any water supply having fifteen (15) connections or serving nine (9) dwelling units or more.

4. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.

   a. Any subsurface waste water disposal system which has a design flow of two thousand (2,000) gallons per day is required to be reviewed and approved by the DHS Plumbing and Waste Water Control Program.

5. U.S. Army Corps of Engineers (USACE), if a permit under Section 404 of the Clean Water Act is required.

   a. When placement of fill material into the waters of the United State including the filling of wetlands, the applicant shall be required to obtain a written opinion from USACE as to the applicability of the USACE regulations to the applicant’s project.

6. Maine Department of Transportation, under the Chapter 299: Highway Driveway and Entrance Rules and Chapter 305: Traffic Movement Permit, if a driveway or entrance permit or a traffic movement permit is required.

H. Requirements for Possible Historic Designations - If the Preliminary Plan identified any area listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 613.3.B, the applicant shall submit a copy of the Plan and a copy of any proposed mitigation measures to the Maine Historic Preservation Commission prior to submitting the Final Plan application.

I. Performance Guarantee Requirements - Before the Board grants approval of the Final Plan, the applicant shall

meet the performance guarantee requirements contained in Section 614.

J. Finding of Facts and Conclusions - Within thirty (30) days from the Public Hearing or within sixty (60) days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A, M.R.S.A. Section 4404 and the standards of this Chapter If the Board finds that all the criteria of Title 30-A, M.R.S.A. Section 4404 and the standards of this Code have been met, they shall approve the Final Plan. If the Board finds that any of the criteria of Title 30-A, M.R.S.A. Section 4404 or the standards of this Code have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the Subdivision. The reasons for any conditions shall be stated in the records of the Board.

608.2 Submissions

A. Final Plan - The Final Plan for a Major Subdivision shall consist of two (2) reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and ten(10) copies and one (1) pdf copy of the application and one or more maps or drawings drawn to a scale of not more than one (1) inch equals one hundred (100) feet. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. The Final Plan shall be also provided in digital form as specified by the Planning Board.

The Plan to be recorded at the Androscoggin County Registry of Deeds shall follow the requirements of Title 33, M.R.S.A. Section 652.

B. The final plan shall include or be accompanied by the following information:

1. Proposed name of the Major Subdivision and the name of the Municipality in which it is located, and the assessor's map and lot numbers.

2. The name(s) and address(s) of the owner of record, applicant, and individual or company who prepared the Plan. The Plan shall be embossed with the seal and signed by the State of Maine registered Professional Engineer or State of Maine registered Land Surveyor who prepared the Plan.

3. The date the Plan was prepared, magnetic north point, graphic map scale.

4. The number of acres within the proposed Subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

5. The location of any Zoning District boundaries affecting the Subdivision.

6. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

7. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the Subdivision. The Plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a State of Maine registered Land Surveyor.

8. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the Town of Poland Flood Insurance Rate Map, shall be delineated on the Plan.

9. Street Plans, meeting the requirements of Chapter 8.

10. A list of construction items, with cost estimates that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.

11. A list of construction and maintenance items, with both capital and annual operating cost estimates, which must be financed by the Municipality, or Quasi-municipal Districts. These lists shall include but not be limited to:

    a. Schools, including busing;

    b. Street maintenance and snow removal;

    c. Police;

    d. Solid waste disposal;

    e. Recreation facilities;

    f. Storm water drainage; and

    g. Fire protection.

    The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the Major Subdivision.

12. If different from those submitted with the Preliminary Plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the Subdivision.

13. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the Municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the Municipality, written evidence that the Municipal Officers have voted to recommend acceptance of the offer and that they are satisfied with the legal sufficiency of the written offer to convey title shall be included.

609 FINAL APPROVAL AND FILING

A. No Plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Municipality.

B. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. Section 4404, and this Code have been met, and upon voting to approve the Major Subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One (1) copy of the signed Plan shall be retained by the Board as part of its permanent records. One (1) copy of the signed Plan shall be forwarded to the Tax Assessor. One (1) copy of the signed Plan shall be forwarded to the Code Enforcement Officer. Any Subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the Plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two (2) or more sections (phases) subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any Municipal or Quasi-municipal Department Head notified of the proposed Subdivision informs the Board that their Department or District does not have adequate capital facilities to service the Subdivision, the Board shall require the Plan to be divided into two (2) or more sections (phases) subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the Subdivision. If the Superintendent of Schools indicates that there is less than twenty percent (20%) excess classroom capacity existing in the school(s) which will serve the Subdivision, considering previously approved but not built Subdivisions, the Board shall require the Plan to be divided into sections (phases) to prevent classroom overcrowding. If the expansion, addition or purchase of the needed facilities is included in the Municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 610. The Board shall make findings that the

revised Plan meets the criteria of Title 30-A, M.R.S.A. Section 4404, and the standards of this Code. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Androscoggin County Registry of Deeds.

E. The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such Plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the Municipality, approval of the Plan shall not constitute an acceptance by the Municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Except in the case of a Phased Development Plan, failure to complete substantial construction of the Subdivision within five (5) years of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a Subdivision's approval has expired under this Paragraph, the Board shall have a notice placed in the Androscoggin County Registry of Deeds to that effect.

610 REVISIONS TO APPROVED PLANS

610.1 Procedure - An applicant for a revision to a previously approved Plan shall, at least ten (10) days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda.

A. If the revision involves the creation of additional lots or dwelling units, the procedures for Preliminary Plan approval shall be followed.

B. If the revision involves only modifications of the approved Plan, without the creation of additional lots or dwelling units, the procedures for Final Plan approval shall be followed.

C. If the revisions do not create more than two lots in a five-year period, Section 605 requirements may be included in the regular review of the formal application and presented to the Planning Board as a one-time application review. [105]

610.2 Submissions - The applicant shall submit a copy of the approved Plan as well as nine (9) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this Code and the criteria of the State Statute. The revised Plan shall indicate that it is the revision of a previously approved and recorded Plan and shall show the title of the Subdivision and the book and page on which the original Plan is recorded at the Androscoggin County Registry of Deeds.

610.3 Scope of Review - The Board's scope of review shall be limited to those portions of the Plan that are proposed to be changed. Further Title 30-A, M.R.S.A. Section 4407, Subsection 1 requires the book and page number of the original Plan to appear on the revised Plan when it is recorded at the Androscoggin County Registry of Deeds.

611 INSPECTIONS AND ENFORCEMENT

611.1 Inspection of Required Improvements - Inspections may be conducted by but not limited to the following: Poland Code Enforcement Officer, Poland Road Commissioner, Androscoggin County Soil and Water Conservation Service or a retained Consultant and/or Engineering Firm.

A. At least (5) five days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the Code Enforcement Officer in writing of the time when proposes to commence construction of such improvements, so that the Municipal Officers can arrange for inspections to assure that all Municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the Municipal Officers a check for the amount to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by ninety percent

[105] Amended 4-30-2005

(90%), the subdivider or builder shall deposit an additional one percent (1%) of the estimated costs of the required improvements.

B. If the Inspecting Official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the Plans and Specifications filed by the subdivider, the Inspecting Official shall so report in writing to the Code Enforcement Officer, Municipal Officers, the Planning Board and the subdivider and builder. The Municipal Officers shall take any steps necessary to assure compliance with the approved Plans.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the Inspecting Official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Inspecting Official shall issue any approval under this Section in writing and shall transmit a copy of the approval to the Code Enforcement Officer and Planning Board. Revised Plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than one percent (1%), etc., the subdivider shall obtain permission from the Planning Board to modify the Plans in accordance with Section 610.

D. At the close of each summer construction season the Municipality shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.

E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a State of Maine registered Land Surveyor, stating that all monumentation shown on the Plan has been installed.

F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to a Town Meeting, a written certification signed by a State of Maine registered Professional Engineer shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of this Code. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. “As built” Plans shall be submitted to the Code Enforcement Officer.

G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Municipality or control is placed with a Lot Owners’ Association.

611.2 Violations and Enforcement

A. No Plan of a division of land within the Municipality which would constitute a Subdivision shall be recorded in the Androscoggin County Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Code and State Statute.

B. A person shall not convey, offer or agree to convey any land in a Subdivision which has not been approved by the Board and recorded in the Androscoggin County Registry of Deeds.

C. A person shall not sell, lease or otherwise convey any land in an approved Subdivision which is not shown on the Plan as a separate lot.

D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a Subdivision for which a Final Plan has not been approved by the Board and recorded in the Androscoggin County Registry of Deeds.

E. Development of a Subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Plan approved as provided in this Code and recorded in the Androscoggin County Registry of Deeds.

F. No lot in a Subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is

completed in accordance with this Code up to and including the entire frontage of the lot. No dwelling unit shall be occupied before the street upon which the unit is accessed is completed in accordance with this Code. [106]

G. Violations of the above provisions of this Section are a nuisance and shall be punished in accordance with the provisions of Title 30-A, M.R.S.A. Section 4452.

612 PERFORMANCE STANDARDS - The performance standards in this Section are intended to clarify and expand upon the criteria for approval found within the Subdivision Statute (Title 30-A, M.R.S.A. Section 4404) and carry out the purposes of this Code and the Town of Poland Comprehensive Plan. In reviewing a proposed Subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a Final Plan. Compliance with the design guidelines of Section 613 shall be considered to be evidence of meeting the appropriate performance standards. Proposed Subdivisions not in compliance with the design guidelines of Section 613 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the criteria contained in Title 30-A, M.R.S.A. Section 4404. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all applicable performance standards and criteria contained in Title 30-A, M.R.S.A. Section 4404 for approval have been or will be met.

612.1 Pollution

A. The proposed Subdivision shall not discharge waste water into a water body without a license from the Maine Department of Environmental Protection.

B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the Subdivision is within the watershed of a Great Pond, the storm water shall be treated in order to remove excess nutrients.

612.2 Sufficient Water

A. Water Supply

1. When a proposed Subdivision is not within the area of a public water supply, water supply shall be from individual wells or a private community water system.

   a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.

   b. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

   c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

   d. 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 (NFPA) 1141 and 1142.[161]

2. When a Subdivision is to be served by a public water system, the complete supply system within the Subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the Fire Rescue [162] Chief.

B. Water Quality - Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the Plan to

[106] Amended 9-24-2008

be recorded in the Androscoggin County Registry of Deeds.

612.3 Impact on Existing Water Supplies - In meeting the standards of Section 612.2.A, a proposed Subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the Subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary to alleviate existing deficiencies.

612.4 Soil Erosion

A. The proposed Subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.
B. The procedures outlined in the Erosion and Sedimentation Control Plan shall be implemented during the site preparation, construction, and clean-up stages.

C. Topsoil shall be considered part of the Subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

612.5 Traffic Conditions

A. In general, provision shall be made for vehicular access to the Subdivision and circulation within the Subdivision in such a manner as to:

   1. Safeguard against hazards to traffic and pedestrians in existing streets and within the Subdivision;

   2. Avoid traffic congestion on any street; and

   3. Provide safe and convenient circulation on public streets and within the Subdivision.

B. More specifically, access and circulation shall also conform to the following standards:

   1. The vehicular access to the Subdivision shall be arranged to avoid through traffic use;

   2. The street giving access to the Subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the Subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No Subdivision shall reduce the Level of Service (LOS) of the street giving access to the Subdivision and neighboring streets and intersections to "E" or below, unless the Town of Poland Comprehensive Plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection;

   3. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways and traffic controls within existing public streets;

   4. Access ways to Non-residential Subdivisions, multi-family dwellings, or planned residential developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A Study or Analysis to determine the need for a left-turn storage lane shall be done; and [107]

   5. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the Municipality designated as growth areas in the Town of Poland Comprehensive Plan; or in Non-residential Subdivisions when such access shall be provided if it will:

      a. Facilitate fire protection services as approved by the Fire Chief; or

      b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.

[107] Amended 9-24-2008
[162] Amended 4-2-2011

6. When it is determined by the Planning Board that existing public streets do not have the capacity and/or are in such physical condition as to create unsafe conditions it may require the applicant to improve such street.

7. Street Names, Signs and Lighting - Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Municipality. The developer shall either install street name, traffic safety and control signs meeting Municipal specifications or reimburse the Municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.

8. Clean up - Following street construction, the developer or contractor shall conduct a thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

612.6 Sewage Disposal

A. Private Systems.

1. When a proposed Subdivision is not served by public sewage treatment, sewage disposal shall: be private subsurface wastewater disposal systems or a private treatment facility.
2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a State of Maine Department of Human Services licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

   a. The Site Evaluator shall certify in writing that all test pits which meet the requirements for a new system represents an area large enough to a disposal area on soils which meet the State of Maine Subsurface Wastewater Disposal Rules.

   b. On lots in which the limiting factor has been identified as within twenty-four (24) inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the Plan and restricted so as not to be built upon.

   c. In no instance shall a disposal area be on a site which requires a New System Variance from the State of Maine Subsurface Wastewater Disposal Rules.

612.7 Solid Waste - If the additional solid waste from the proposed Subdivision exceeds the capacity of the Municipal Solid Waste Facility, causes the Municipal Facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the Municipality to exceed its contract with a Non-municipal Facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five (5) years.

612.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

A. Preservation of Natural Beauty and Aesthetics.

1. The Plan shall, by conditions of approval on the Final Plan and deed restrictions, limit the clearing of trees to those areas designated on the Plan.

2. In the Rural Residential and Farm and Forest Districts as defined in Chapter 5, Land Zoning Standards, the Subdivision shall be designed to minimize the visibility of buildings from existing public roads.

3. The Board may require the application to include a Landscape Plan that will show the preservation of any existing trees larger than twenty-four (24) inches diameter breast height, the replacement of trees and vegetation, and graded contours.

4. When a proposed Subdivision Street traverses open fields the Plans shall include the planting of street trees. Such plantings shall not restrict visibility at street intersections

B. Retention of Open Spaces and Natural or Historic Features.

1. If any portion of the Subdivision is located within an area designated by the Town of Poland Comprehensive Plan as open space or greenbelt, that portion shall be reserved for open space preservation.

2. If any portion of the Subdivision is located within an area designated as a unique natural area by the Town of Poland Comprehensive Plan or the Maine Natural Areas Program the Plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

3. If any portion of the Subdivision is designated a site of historic or prehistoric importance by the Town of Poland Comprehensive Plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the Plan.

4. The Subdivision shall reserve sufficient undeveloped land to provide for the recreation needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the Municipality in which the Subdivision is located according to the Town of Poland Comprehensive Plan, the proposed lot sizes within the Subdivision, the expected demographic makeup of the occupants of the Subdivision, and the site characteristics.

5. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

6. Reserved open space land may be owned and maintained by the Subdivision occupants or other party approved by the Planning Board.

C. Protection of Significant Wildlife Habitat - If any portion of a proposed Subdivision lies within:

1. Two hundred-fifty (250) feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the Town of Poland Comprehensive Plan as:

   a. Habitat for species appearing on the official Federal or State lists of endangered or threatened species;

   b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas; or

2. One thousand three hundred twenty (1,320) feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;

3. Or other important habitat areas identified in the Town of Poland Comprehensive Plan, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a Wildlife Biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the Subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the Subdivision will have no adverse impacts on the habitat and the species it supports.

D. Access to Shoreline - Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

612.9 Conformance with Zoning and Other Land Use Standards - All lots shall meet the minimum dimensional requirements of Chapter 5, Land Zoning Standards, for the zoning district in which they are located. The proposed Subdivision shall meet all applicable performance standards or design criteria from Chapter 5.

612.10 Financial and Technical Capacity

A. Financial Capacity - The applicant shall have adequate financial resources to construct the proposed

improvements and meet the criteria of Title 30-A, M.R.S.A. Section 4404 and the standards of this Code. When the applicant proposes to construct the buildings as well as the Subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed Subdivision.

2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

612.11 Impact on Water Quality or Shoreline - Cutting or removal of vegetation along water bodies shall not increase water temperature, result in shoreline erosion or sedimentation of water bodies.

612.12 Impact on Ground Water Quality or Quantity - The Subdivision will not adversely affect the quality or quantity of ground water.

A. Ground Water Quality

1. When a Hydrogeologic Assessment is required by the Planning Board, the assessment shall contain at least the following information:

   a. A map showing the basic soils types.

   b. The depth to the water table at representative points throughout the Subdivision.

   c. Drainage conditions throughout the Subdivision.

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

   e. An analysis and evaluation of the effect of the Subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the Subdivision, or at the Subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shortest distance.

   f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the Subdivision and within two-hundred (200) feet of the Subdivision boundaries.

2. When a hydrogeologic assessment is required by the Planning Board, the assessment shall comply with the following:

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

   b. No Subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No Subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

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

   d. If ground water contains contaminants in excess of the secondary standards, the Subdivision shall not

cause the concentration of the parameters in question to exceed one hundred and fifty percent (150%) of the ambient concentration.

e. Subsurface Wastewater Disposal Systems and Drinking Water Wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a condition of approval on the Final Plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity [108]

1. Ground water withdrawals by a proposed Subdivision shall not lower the water table beyond the boundaries of the Subdivision.
2. A proposed Subdivision shall not result in a lowering of the water table at the Subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

612.13 Floodplain Management - When any part of a Subdivision is located in a Special Flood Hazard Area as identified by the Federal Emergency Management Agency:

A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.

B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

C. The Plan shall include a condition of approval that structures in the Subdivision shall be constructed with their lowest floor, including the basement, at least one (1) foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the Municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the Plan.

612.14 Identification of Freshwater Wetlands - Freshwater wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, (published by the United States Army Corps of Engineers and as amended).

612.15 River, Stream or Brook - Any river, stream or brook within or abutting the Subdivision shall be identified on the Plan.

612.16 Storm Water Management

A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the Subdivision, and any drained groundwater through a management system of swales, culverts, under drains, storm drains and Best Management Practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, (published by the Maine Department of Environmental Protection, 1995 and as amended), and 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. Major Subdivisions - Storm water run-off in Major Subdivisions must be treated by the use of Best Management Practices equivalent to those described in the Stormwater Management for Maine: Best

[108] Amended 4-27-2002

Management Practices, (published by the Maine Department of Environmental Protection, 1995 and as amended), to achieve, by design, forty percent (40%) reduction in total suspended solids.

b. Minor Subdivisions - Storm water run-off in Minor Subdivisions 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, 1995 and as amended), to achieve, by design, fifteen percent (15%) reduction in total suspended solids.

B. All of the above standards shall be on lands within the Subdivision.

612.17 Phosphorus Impacts on Great Ponds

A. Phosphorus Export

1. Any Subdivision within the watershed of a Great Pond shall limit its Post Development Phosphorus Export to the standards contained in following Table dependent on the Great Pond in whose watershed the Subdivision is located.

a. Post Development Phosphorous Export Chart - Phosphorus export from development shall be equal to or less than that which is calculated using the Methodology established by the Maine Department of Environmental Protection (DEP) using the data provided by the DEP and the following table. When using Appendix (A) worksheet as contained in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended), as part of your application for Subdivision, calculate the phosphorus export for the property being developed to it's related watershed. This will determine if the phosphorus export is within the allowable limits for the permit you are requesting.

Table 612.17.A.1.a / POST DEVELOPMENT PHOSPHOROUS EXPORT BY WATERSHED

Watershed	Lake Protection Level	Phosphorus Coefficient (ppb)	Acceptable Increase/lake Phosphorus Concentration (ppb)	Future Area to be Developed in Poland (acres)	Allowable Phosphorus Export Per Acre (pounds)
Crescent (Rattlesnake)	High	1.32	0.75	21.60	0.046
Garland (Mud) Pond	High	5.07	1.00	216.00	0.026
Hogan Pond	High	1.56	0.75	34.90	0.034
Lower Range Pond	High	31.26	0.75	498.15	0.047
Middle Range Pond	High	43.52	1.00	713.25	0.061
Mirror (Mud) Pond	High	2.22	0.50	71.55	0.018
Raymond(Little Rattlesnake)	High	0.11	0.75	2.70	0.031
Sabbathday Lake	High	2.38	0.75	45.00	0.040
Shaker Bog	High	4.60	1.00	85.00	0.054
Thompson Lake	High	46.76	0.50	645.30	0.036
Tripp Lake	High	44.34	0.75	898.50	0.037
Upper Range Pond	High	19.13	0.75	380.70	0.038

Worthley Pond	High	7.43	0.75	210.60	0.026

(1) Lake Water Quality - from DEP

(2) Lake Protection Level - determined by Town of Poland

(3) Phosphorous Coefficient - from DEP; indicates amount of additional phosphorous that, exported from watershed to lake, would produce a 1 ppb increase in the lake's Phosphorus Concentration.

(4) Acceptable Increase in Lake Phosphorous Concentration - (ppb)

(5) Future Area to be Developed - watershed acreage likely to be developed over next fifty (50) years; twenty-five percent (25%) for all lakes in Poland.

(6) Per-acre Phosphorous Allocation - amount of phosphorous each developed acre is allowed to export (lbs/acre/yr).

The Board shall keep an accurate record of permits issued by watershed. The above table shall be amended reflecting changes in expected development rates.

2. Simplified Phosphorus Review.

   a. The Simplified Review may be used for a:

      (1) Proposed Subdivision of three (3) or four (4) lots with less than two hundred (200) feet of new or upgraded street with a cumulative driveway length not to exceed four hundred fifty (450) feet for a three-lot Subdivision or six hundred (600) feet for a four-lot Subdivision; or

      (2) Proposed Subdivision of three (3) or four (4) lots with no new or upgraded street with a cumulative driveway length not to exceed nine hundred fifty (950) feet for three (3) lot Subdivisions or one thousand one hundred (1,100) feet for four (4) lot Subdivisions; or

      (3) Proposed Subdivision that has less than twenty thousand (20,000) sq. ft. of disturbed area including building parking, driveway, lawn, subsurface wastewater disposal systems, and infiltration areas, and new or upgraded streets not exceeding two hundred (200) linear feet.

   b. The subdivision qualifying for and using the Simplified Review Method shall be designed in accordance with the Simplified Review Method for Minor Projects (Chapter 4) in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended. The buffer areas shall be located downslope of developed areas. All new lots shall be buildable in accordance with the buffer widths required by the appropriate table.

3. Standard Phosphorus Review - This Section shall apply to proposed Subdivisions which do not qualify for the Simplified Review. Phosphorus export from a proposed development shall be calculated according to the procedures in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended). When a proposed Subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures - Provisions for monitoring, inspections, and maintenance of Phosphorus Control Measures shall be included in the application.

   a. Vegetative Buffer Strips - Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the Plan. Where a vegetative buffer strip is to be owned in common by property owners in the Subdivision, documentation establishing the Lot Owners' Association shall include the following standards.

b. Wooded Buffers - Maintenance provisions for wooded buffers shall provide for either of the following two options:

(1) No Disturbance - Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within two hundred fifty (250) feet of a Great Pond or a tributary to the Great Pond, or which are located on slopes over twenty percent (20%) shall include the following;

(a) Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows;

(b) All existing undergrowth (vegetation less than four (4) feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six (6) feet, is allowed through the buffer. This path shall not be a straight line to the Great Pond or a tributary to the Great Pond and shall remain stabilized;

(c) Pruning of live tree branches is permitted provided that at least the top two-thirds of the tree canopy is maintained or the bottom twenty (20) feet, which ever is less;

(d) No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees; and

(e) Buffer strips shall not be used for all-terrain vehicles or vehicular traffic.

(2) Limited Disturbance - Maintenance and use provisions for other buffer strips may include the following:

(a) There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained;

(b) Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four (4) feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion;

(c) Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six (6) feet. This path shall not be a straight line to the Great Pond or a tributary to the Great Pond. The path must remain stabilized;

(d) Pruning of live tree branches is permitted provided that at least the top two-thirds of the tree canopy is maintained or the bottom twenty (20) feet, which ever is less.

(e) Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three (3) feet in height unless existing new tree growth is present; and

(f) Buffers shall not be used for all terrain vehicles or vehicular traffic.

c. Non-wooded Buffers.

(1) Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply;

(2) A buffer must maintain a dense, complete and vigorous cover of “non-lawn” vegetation that shall be mowed no more than once a year to a height of not less than six (6) inches. Vegetation may include grass, other herbaceous species, shrubs and trees;

(3) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited; and

(4) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

d. Infiltration Systems - Individual lot owners shall be responsible for maintenance of Individual Infiltration Systems according to the standards specified in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended). Requirements for maintenance shall be included in deed restrictions and as notes upon the Plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where Infiltration Systems serve more than one lot, a Lot Owners' Association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

e. Wet Ponds - A Lot Owners' Association shall be established to maintain wet ponds. Documentation establishing the association shall include the maintenance standards specified in the manual Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, (published by the Maine Department of Environmental Protection, revised September 1992 and as amended).

612.18 Impact on Adjoining Municipality - If a Subdivision crosses the boundary into an adjacent Municipality, the Subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public roads in an adjacent Municipality in which part of the Subdivision is located. The Planning Board shall meet jointly with the Planning Board of any Municipality to assess unreasonable traffic congestion or unsafe conditions.

613 DESIGN GUIDELINES - This Section is intended to provide design guidelines, which if followed will result in meeting the appropriate performance standards of Section 612. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed Subdivisions not in compliance with the design guidelines of this Section may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the criteria contained in Title 30-A, M.R.S.A. Section 4404. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and criteria contained in Title 30-A, M.R.S.A. Section 4404 for approval have been or will be met.

613.1 Sufficient Water

A. Fire Protection.

1. Fire hydrants connected to a public water supply system shall be located no further than five hundred (500) feet from any building.

2. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six (6) inches.

3. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the Municipality shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.

4. When The water supply must be located within the boundaries of the proposed subdivision, or within three thousand five hundred (3,500) feet of the proposed Subdivision if an approved water source already exists and is acceptable to the Fire Chief.

a. The provisions of the current National Fire Protection Standard #1141, Fire Protection in Planned Building Groups shall be followed to determine sufficient fire flow requirements.

b. The property developer or Homeowner's Association shall provide adequate insurance and/or a bond for the installed system from the date of installation for inperpetuity. (excluding residential sprinkler systems). Proof shall be provided each calendar year to the Fire Rescue Chief. [163]

c. Maintenance for water sources required under this Subsection that are located on private roadways or

drives shall be the responsibility of the property owner(s). Maintenance shall include but not be limited to snow removal and the cutting of grass and brush so that the water source is readily visible and accessible at all times.

d. The property owner shall be responsible for the filling of any tanks that may be used. The Fire Department will be responsible for refilling after use.

613.2 Traffic Conditions

A. Access Control

1. Where a Subdivision will abut an arterial street, no lot may have vehicular access directly onto the arterial street. This requirement shall be included as a condition of approval on the Final Plan and in the deed of any lot with frontage on the arterial street. [109]

2. Where a lot has frontage on two (2) or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians unless other factors make it not practical. This requirement shall be included as a condition of approval on the Final Plan and in the deed of any affected lot.

B. Street Design - Proposed streets shall comply with the Chapter 8, Street Construction Standards.

613.3 Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline

A. Preservation of Natural Beauty and Aesthetics

1. Unless located in the Village District as defined in Chapter 5, Land Zoning Standards, a Subdivision in which the land cover type is forested shall maintain a wooded buffer strip no less than fifty (50) feet in width along all existing public roads. The buffer may be broken only for driveways and streets. If the forested buffer was cut within two (2) years of application, the buffer shall be replanted to native species.

2. When located in Farm and Forest as defined in Chapter 5, Land Zoning Standards, building locations shall be restricted from open fields, and shall be located within forested portions of the Subdivision. When the Subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.

3. When a proposed Subdivision Street traverses open fields, the Plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty (50) feet apart and where they will not interfere with power lines.

B. Retention of Historic Features - Proposed Subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the Town of Poland Comprehensive Plan has identified as of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the Subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such Plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas - The following guidelines are designed to protect the significant wildlife resources identified in the Municipality. The Board recognizes that wildlife management must take into account many site specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified Wildlife Biologist and provide their written comments to the Board. The guidelines of this Section shall apply to only those Subdivisions which include significant wildlife habitat or resources identified in Section 612.8.C. Use of Cluster Development Techniques can allow a property to develop a similar number of Subdivision lots even though habitats place limits on development activities.

[109] Amended 4-4-2009
[163] Amended 4-2-2011

1. Protection of Habitat of Endangered or Threatened Species.

   a. Habitat or species appearing on the Official State or Federal lists of Endangered or Threatened Species shall be placed in open space.

   b. Deed restrictions and notes on the Plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within two hundred fifty (250) feet of the habitat for species appearing on the list of Endangered or Threatened Species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

2. Protection of Waterfowl and Wading Bird Habitat.

   a. There shall be no cutting of vegetation within the strip of land extending seventy five (75) feet inland from the normal high-water mark of the following habitat areas:

      1. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;

      2. Other important habitat areas identified in the Town of Poland Comprehensive Plan.

   b. This restriction shall appear as a condition of approval on the Plan and as a deed restriction to the affected lots.

3. Protection of Deer Wintering Areas - A report prepared by a Wildlife Biologist, selected or approved by the Board, shall include a Management Plan for deer wintering areas. In Subdivisions which include areas designated as Deer Wintering Areas Cluster Subdivisions will be required with the Deer Wintering area included in the open space portion of the Subdivision.

4. Other Important Wildlife Areas - If the proposed Subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the Town of Poland Comprehensive Plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified Wildlife Biologist and their comments presented in writing to the Board.

613.4 Storm Water Management Design Guidelines

A. 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).

B. 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.

C. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

613.5 Impact on Water Quality or Shoreline - Within a strip of land extending one hundred (100) feet inland from the normal high-water line of a Great Pond or and seventy-five (75) feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots which include any such land shall contain the following restrictions:

A. There shall be no cleared opening greater than two-hundred and fifty (250) sq. ft. in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks is permitted 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 vegetation is maintained. For the purposes of this Section a "well distributed stand of trees and other vegetation" adjacent to a Great Pond or stream flowing to a Great Pond, shall be defined as maintaining a rating score of twelve (12) or more in any twenty-five (25) foot by 25 foot square area as determined by the following rating system.

Diameter of tree at 4½ feet above ground level (inches)	Points
2 - 4	1
>4-12	2
>12	4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of eight (8) per 25-foot square area.

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, adjacent to Great Ponds and streams which flow to Great Ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.

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 trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in Paragraph A., above, shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

613.6 Lots

A. Wherever possible, side lot lines shall be perpendicular to the street.

B. The Subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as to either provide for or preclude future division. Deed restrictions and conditions of approval on the Plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the Plan and shall require approval from the Board, subject to the criteria of the State Subdivision Statute, the standards of this Code and conditions placed on the original approval.

C. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.

D. The ratio of lot length to width shall not be more than four (4) to one (1) Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.

613.7 Utilities

A. The Planning Board may require utilities serving the Subdivision to be installed underground. The applicant will furnish or cause to be furnished to the Planning Board the Plans prepared by utility companies for the installation of utilities. Acceptance of the Final Plan of a Subdivision is conditioned upon receipt of these Utility Plans.

B. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.

C. The size, type and location of street lights, electric lines, telephone, and other utilities shall be shown on the Plan.

613.8 Monuments

A. Stone or precast concrete monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be set at all street intersections and points of curvature, but no further than seven hundred fifty (750) feet apart along street lines without curves or intersections.

B. Stone or precast concrete monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be set at all corners and angle points

of the Subdivision boundaries where the interior angle of the Subdivision boundaries is one hundred thirty-five (135) degrees or less.

C. Stone or precast concrete monuments shall be a minimum of four (4) inches square at the top and four (4) feet in length, and set in the ground at final grade level. After they are set, a drill hole one- half (½) inch deep shall locate the point or points described above.

D. All other Subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

613.9 Cluster Developments

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

This Design Guideline is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design and road frontage requirements and by allowing the Planning Board to expedite procedures and to waive or reduce certain otherwise applicable standards and provisions of this Chapter and Chapter 5, Land Zoning Standards, if such landowners commit to the permanent preservation of important Open Space Resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

B. Purposes - A Cluster Subdivision achieves the purposes of this guideline reducing the lot size, frontage and setback requirements and clustering housing and uses in those areas where they have the least impact on identified environmental, agricultural and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements that run with the land. The cluster principle can be applied to Subdivisions of any size.

C. Planning Board Review - The Planning Board shall review the application in accordance with Title 30-A, M.R.S.A. Section 4404 and this Code as modified by the provisions of this Section.

1. Pre-application Procedure

a. Any applicant for a Cluster Subdivision is encouraged but not required to submit at the pre-application stage, a complete build-out Plan for the entire parcel.

b. After review of the pre-application, if the Planning Board determines that the proposed Open Space Subdivision meets the purposes set forth in this Section that are applicable to the proposed Subdivision as well as other applicable provisions of this Section, State Statute, this Code and the Town of Poland Comprehensive Plan, the Board shall encourage or permit, as appropriate, the applicant to proceed with an application for a Cluster Subdivision.

2. Application Procedure - Required Plans: The submissions for a Cluster Subdivision shall include all Plans and materials required for a Conventional Subdivision.

3. General Requirements - In Planning Board review and approval of a Cluster Subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Chapter.

a. Use and District Requirements

(1) All Cluster Subdivisions shall meet the use standards of the Districts in which they are located.

(2) Allowable Density - To determine the number of allowable dwelling units the total parcel area less all land below the normal high-water line of a water body or upland edge of a wetland and land beneath

roads, rights-of-ways and/or easements, is divided by the minimum lot size requirement in the District.[110]

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

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

   a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved;

   b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;

   c. In such manner that the boundaries between residential lots and active agricultural or forestry lands are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural or forestry uses;

   d. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall Plan for site development;

   e. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the District;

   f. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged; and

   g. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, so as to improve the view from and of buildings.

5. Space Standards

   a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the District.

   b. Distances between residential structures shall be a minimum of the height of the tallest adjacent structure.

   c. The required maximum lot size or maximum land area per dwelling unit for the building envelope shall be one (1) acre.

   d. Minimum road frontage requirements of the Land Zoning Standards may be waived or modified by the Planning Board provided that:

      (1) Any applicable provisions regarding roads in Subsection 6 below are satisfied; and

      (2) Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways;

      (3) A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design provided that the front and rear setbacks shall be

[110] Amended 4-30-2005

no less than twenty-five (25) feet or that required for the applicable Zoning District, whichever shall be less. For the perimeter of a cluster development with multi-family dwellings, overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the Zoning District unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard. [111]

(4) No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

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

   a. All structures requiring plumbing in the development shall be connected to a public sewage system, individual septic systems or a private central collection and treatment system in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules. Proposed systems shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development or which are to be utilized as a common or individual water supply for the proposed development.

   b. If a private central collection system is proposed, the applicant must show either that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface wastewater disposal for each lot in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules, or that a second site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed. In the case of the use of chambers, there shall be designed an excess capacity of thirty percent (30%).

   c. If a private central collection system is proposed, the system shall be maintained by a homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board. The Planning Board may require the developer and homeowners association to retain a qualified third party to inspect and approve the system from time to time and furnish a copy of his report to the Code Enforcement Officer.

7. Roads - The Planning Board shall require private roads and common driveways to comply with the design standards set forth in Chapter 8, Street Construction Standards, except as provided in Subsection 7.d below.

   a. The applicant shall submit to the Planning Board as part of the application for approval a State of Maine registered Professional Engineers drawing showing the location and drainage characteristics, dimensions and grade of roads and common driveways as well as specifications setting forth their proposed composition.

   b. The Subdivision Plan shall show the road clearly labeled "private road" and a condition of approval shall state the following:

      “Streets indicated as Private-Owned Street shall remain private streets to be maintained by the Developer or the Lot Owners and shall not be accepted nor maintained by the Municipality unless said street has been brought up to or, otherwise, meets the current Street Construction Standards.

   c. Whenever possible and as far as practicable, the roads and common driveways shall:

      (1) Follow natural contours in an effort to limit phosphorous export;

      (2) Be limited in width, curvilinear in design, and keeping within the rural character of the Town; and

[111] Amended 9-24-2008

(3) Shall turn away from the front access to public roads, and shall use sufficiently dimensioned culverts to accommodate predevelopment and post-development drainage and flows, where necessary.

d. Travel ways and shoulders of roads and common driveways within open space subdivisions shall meet the following minimums:

(1) Common driveways serving 3 or fewer dwelling units: 12 foot travel way.

(2) Roads serving 4 units: 16-foot travel way and 3-foot shoulders.

(3) Roads 4 to 10 units: service 16-foot paved travel way and 3-foot shoulders.

(4) Roads serving 11 to 50 units: 20 foot paved travel way and 3 foot shoulders.

D. Open Space Requirements - In Planning Board review and approval of a Cluster Subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Chapter or Chapter 5, Land Zoning Standards.

Open space set aside in an Open Space Subdivision shall be permanently preserved as required by this Section except where open space is dedicated by a landowner under contract with the Town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one (1) or more large parcels on which dwellings are permitted provided that a conservation easement or a declaration of covenants and restrictions is placed on such land and provided that the Planning Board approves such configuration of the open space.

1. Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, stream beds, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

a. On parcels that contain significant portions of land suited to agriculture, open space shall be preserved for agriculture or other compatible open space uses such as forestry, recreation (active or passive) and resource conservation;

b. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation such trails for walking and cross country skiing;

c. Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town;

d. The use of any open space may be limited by the Planning Board at the time of Final Plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of Final Plan approval, shall be reviewed by the Planning Board as an amendment to the approved Plan;

e. Further Subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in below:

(1) Notations on Plan. Open space must be clearly labeled on the Final Plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the Subdivision to such land or portions thereof. The Plan shall clearly show that the open space land is permanently reserved for open space purposes, is subject to a reservation for future development, including those provisions allowed under Subsection f. below, and shall contain a notation indicating the book and page of any conservation

easements or deed restrictions required to be recorded to implement such reservations or restrictions.

f. Preservation in Perpetuity. An owner of a parcel of land may designate all or portions of the parcel for open space use in perpetuity are achieved and all other requirements of this performance standard are met subject to the following conditions:

(1) A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the Open Space Plan;

(2) The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Municipal Officers, and acceptance at Town Meeting or to a qualified not-for-profit conservation organization acceptable to the Planning Board;

(3) Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of Plan approval hereunder;

(4) The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Poland if the Town is not the holder of the conservation easement or beneficiary of the declarations;

(5) The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use; and

(6) The conservation easement or declaration shall be recorded in Registry of Deeds prior to or simultaneously with the filing of the Cluster Subdivision Final Plan in the Androscoggin County Registry of Deeds.

613.10 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services

A. All open space common land, facilities and property shall be owned and maintained by:

1. The owners of the lots or dwelling units by means of a lot owner's association; or

2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition.

B. Further Subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.

C. The common land or open space shall be shown on the Final Plan with appropriate notations on the Plan to indicate:

1. It shall not be used for future building lots.

D. The Final Plan application shall include the following:

1. Covenants for mandatory membership in the Lot Owners' Association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling;

2. Draft articles of incorporation of the proposed Lot Owners' Association as a not-for-profit corporation; and

3. Draft bylaws of the proposed Lot Owners' Association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

E. In combination, the documents referenced in paragraph D above shall provide for the following.

1. The homeowners' association shall have the responsibility of maintaining the common property or facilities;

2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments;

3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments; and

4. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development no less then seventy-five percent (75%) occupancy or more if set by the board.

613.11 Agricultural Land Buffers - When the proposed Subdivision will abut active commercial agricultural land, a buffer of unimproved natural vegetation of a minimum of one hundred (100) feet will be provided between dwellings and the active agricultural land.

613.12 Buffers for Non-residential Subdivisions

A. If a non-residential subdivision abuts or is across a public or private street from a property with at least one residence or a vacant property in a district in which residences are a permitted use, the proposed subdivision shall comply with the buffer requirements of section 509.9.V.

B. In addition to the requirements of section 613.12.A, above, buffers along abutting properties with at least one (1) residence or vacant properties in a district in which residences are a permitted use shall consist of a minimum forty (40) foot wide natural buffer. If the natural buffer has been removed by harvesting, thinning, re-grading or previous land use practices, the application shall include plans to establish a minimum forty (40) foot wide buffer such that the Planning Board can find that it provides adequate buffering for abutting properties. Such buffer shall consist of, either singly or in combination, plantings, berms, sight impervious fencing or similar improvements.

C. In determining the adequacy of any proposed buffers, the Planning Board shall consider the height, design and location of street, parking lot and site lighting. The Board may reduce or waive buffers as provided for in this subsection upon submission of written mutual consent of abutting property owners.

614 PERFORMANCE GUARANTEES - With submittal of the application for Final Plan approval, the applicant shall provide one of the following performance guarantees for 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.

614.1 Types of Guarantees

A. Either a certified check payable to the Municipality or a savings account or certificate of deposit naming the Municipality as owner, for the establishment of an escrow account;

B. A performance bond payable to the Municipality issued by a surety company, approved by the Municipal Officers, or Town Manager;

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the Subdivision, from which the Municipality may draw if construction is inadequate, approved by the Municipal Officers, or Town Manager; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Inspecting Official, Road Commissioner, Municipal Officers, and/or Municipal Attorney.

614.2 Contents of Guarantee - The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction,

provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the Municipality shall have access to the funds to finish construction.

614.3 Escrow Account - A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For the account that shall be opened by the applicant, the Municipality shall be named as owner or co-owner, and the consent of the Municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the Municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

614.4 Performance Bond - A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the Municipality. The bond documents shall specifically reference the Subdivision for which approval is sought.

614.5 Letter of Credit - An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the Subdivision and may not be used for any other project or loan.

614.6 Conditional Agreement - The Board at its discretion may provide for the applicant to enter into a binding agreement with the Municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no more than four (4) lots may be sold or built upon until either:

A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or

B. A performance guarantee, acceptable to the Municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the Final Plan that is recorded at the Androscoggin County Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 614.8.

614.7 Phasing of Development - The Board may approve Plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by Limiting Final Plan approval to those lots abutting that section of the proposed Subdivision Street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final Plan approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

614.8 Release of Performance Guarantee - Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Inspecting Official or other qualified individual retained by the Municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the Subdivision for which the release is requested.

A. Upon completion of the project and release of the Performance Guarantee, a defect bond shall be procured by the developer/landowner(s) in the amount of 10% of the value of the Performance Guarantee for a period of at least twelve (12) months after the release of the Performance Guarantee. This bond shall cover but is not limited to defects, damages, failures, and omissions in any portion of the construction approved for the project. [112]

614.9 Default - If upon inspection, the Municipal Engineer or other qualified individual retained by the Municipality finds that any of the required improvements have not been constructed in accordance with the Plans and Specifications filed as part of the application, he or she shall so report the findings in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the applicant or builder. The Municipal Officers shall take any steps necessary to preserve the Municipality's rights.

614.10 Improvements Guaranteed - Performance guarantees shall be tendered for all improvements required to meet the standards of this Code and State statutes and regulations for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and

[112] Amended 4-29-2006

sedimentation control measures.

615 PLANNED RESIDENTIAL DEVELOPMENTS [113]

A. The goals of these provisions for planned residential developments are:

1. To provide flexibility in development standards.
2. To encourage innovative housing types.
3. To construct a pattern of development that reflects the most appropriate use of the area.
4. To provide for increased amenities.
5. To maintain a traditional residential character.
6. To preserve open space, natural vegetation, watercourses, historic buildings and places, and other features of value to the community.
7. To create efficient street and utility systems by clustering of structures.
8. To integrate new development into the existing community while protecting and preserving existing neighborhoods and sensitive areas.

B. In order to qualify as a planned residential development, all dwelling 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 dwelling units on each side of the existing or proposed road shall be sited on an undivided parcel of land.

C. Planned residential developments shall be permitted in those districts as indicated in section 502.6. Accessory commercial or institutional uses that are typically associated with such developments, such as nursing and congregate facilities, medical offices, golf courses, etc., may be permitted as long as they are clearly incidental to the principal use and they shall be limited to those districts in which such uses are permitted.

D. Notwithstanding the requirements of the underlying zoning district(s) and the cluster development provisions of section 613.9, the planned residential development and all uses, buildings and structures associated with it shall be governed by the following dimensional requirements:

1. Minimum site size. A planned residential development shall include a minimum of ten (10) acres.

2. Minimum net residential acreage per dwelling unit.

   a. The following minimum net residential area within the overall area of the planned residential development for each dwelling unit:

      (1) Village and Historic Districts – 20,000 sq. ft.

      (2) Rural Districts – 60,000 sq. ft.

      (3) Farm and Forest District – 200,000 sq. ft.

   b. For planned residential developments that are restricted to residents 55 years of age and older by deed or other means satisfactory to the Planning Board, the minimum net residential densities in section 615.D.2.a may be increased by twenty percent (20%). [114]

3. Maximum lot coverage. The total portion of the gross area of planned residential development covered by buildings, roads, driveways and structures shall be not more than twenty-five percent (25%).

4. Maximum building height. No building shall exceed thirty-five 35 feet.

5. Individual lots. Individual lots shall not be allowed in a planned residential development. The overall lot or parcel, common structures therein, including roads, sidewalks, utilities and recreational facilities, that encompass this community, shall be owned in common by the residents.

[113] Sections 615, 615.1 and 615.2 are deleted and a new section 615 is created/9-24-2008
[114] Added 4-4-2009

6. Minimum building separation. All buildings and structures shall he separated by a minimum of ten (10) feet at the closest point unless fire protection codes require a greater separation.

7. Minimum setbacks. The setback provisions are designed to allow smaller, less intense buildings to be located near the perimeter of the planned residential development while requiring that any larger or intensely used buildings be more centrally located within the site. Therefore, the required minimum setback of buildings and structures shall vary depending on the use and height of the building.

   a. No building or part of a building shall be located within fifty (50) feet of the external perimeter of the overall site of the planned community. This required setback shall be maintained as a vegetative buffer strip in accordance with the landscaping requirements of section 615.K except for road, utility and similar crossings.

   b. The minimum setback from the external perimeter of the overall site that abuts an adjacent lot shall vary depending on the height and use of the building as follows

Building Height and Use	Minimum Setback
Residential and nonresidential buildings of not more than thirty (30) feet	50 feet
Residential and nonresidential buildings of not more than thirty-five (35) feet	100 feet

   c. Within the overall site, the setback from an internal street shall be thirty (30) feet from the right-of-way or 50 feet from the centerline of the paved traveled way if no right-of-way bas been established.

8. Minimum open space. At least one third (1/3) of the gross area of the planned residential development shall be retained as common open space. Limited common areas designated for the exclusive use of individual building owners or occupants shall not be considered part of the common open space for purposes of satisfying the foregoing requirement. Areas designated as resource protection or subject to shoreland zoning shall be included within the common open space where feasible. Golf courses or other recreational facilities may be used for not more than forty (40%) of the required common open space with the balance in natural areas. Within this common open space, provisions for recreational use by the intended resident type shall be made. For example, if the development is intended for senior citizens, suitable recreational facilities may include, but are not limited to, trails, walkways, cart path and gazebos. If the development is intended for families with children, suitable recreational facilities may include, but are not limited to, playing fields, playgrounds, bikeways and pools. All residential units shall be laid out so that each unit has a relationship to the common open space. Common open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director of community development. The recorded covenant must restrict uses of the common open space to those specified in the approved site plan and must provide for the maintenance of the common open space in a manner that assures its continuing use for the intended purpose.

9. Unit owner association. All dwelling 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.

E. The design of the planned residential development shall reflect an overall sense that the entire community is part of a single development with a pedestrian friendly scale. As such, the buildings 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 to establish a sense of community. Where appropriate, pedestrian, bicycle and cart linkages shall be provided to bring the elements of the planned residential development together and to link the development with systems on the perimeter of the site. Single- and two-family dwellings shall be sited to minimize the direct access of residential driveways onto existing public roads and the principal roads within the development. Provisions shall be made for creating landscaped or vegetative buffers at least 20 feet wide between the various types of uses.

F. Building orientation and buffers. Buildings shall be oriented with respect to scenic vistas, natural landscape

features, topography and south-facing slopes in accordance with an overall plan for site development and landscaping. Residential buildings shall be designed and laid out to protect bedroom windows from glare from headlights or outdoor lighting insofar as practical. Where parking or storage areas are located in areas near existing residential properties, they shall be buffered from view by a wood or vegetative screen at least four feet in height.

G. Notwithstanding the provisions of section 507.1.G, the development plan for a planned residential 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 subdivision of a lot containing more than one principal building shall be permitted.

H. The development plan shall address the issues concerning parking area(s) for watercraft and recreational vehicles owned by residents.

Any recreational facilities included in the planned residential development shall be available for use by the residents of the development. Provisions for the long-term maintenance of these facilities shall be approved by the Planning Board.

I. Housing Standards.

1. Buildings shall include modulation along the building facades visibly facing public rights-of-way, private access driveways and roads, and private yards.

2. All residences shall be provided with a covered main entry porch to create a private outdoor space protected from the weather and provide a transition from the interior private residential space to the semi-private outdoor space. Covered porches shall be usable both in design and dimension. All residential covered main entry porches shall have a minimum floor area measuring sixty sq. ft. in size, having a minimum dimension of not less than five feet in any direction (length or width).

3. Housing development structures shall be provided with substantial uniform exterior trim elements. Roofs shall have eaves to efficiently shed rain and provide rain protection for exterior walls.

4. Horizontal facades longer than thirty feet shall be articulated into smaller units of the residential scale. At least two of the following methods shall be included:

   a. Distinctive roof forms and wall forms or elements;

   b. Changes in materials or patterns;

   c. Windows shape, trim, pattern and/or details;

   d. Color differentiation;

   e. Recesses/offsets/cantilevers;

   f. Architectural features (bays, awnings or lower roofs).

5. Variations in adjacent building height, side, rear and front yard setbacks are encouraged

6. When garage doors are facing the street or private driveways, they shall be set back at least twenty feet from the property line or sidewalk or edge of pavement of private street. The garage shall be set back a minimum of four feet from the face of the main structure. Where alley access is available or is provided within the development, vehicle access shall be from the alley with no curb cuts on the fronting street.

7. No dwelling unit shall have direct access onto an existing public road.

J. Lighting and Screening.

1. Streetlights located on private properties/roads shall have a maximum height of fourteen feet to the base of the luminaire, which shall be of cut-off design, and shall be maintained by the homeowners' association.

2. Trash receptacles having a capacity in excess of one cubic yard shall be screened from view from adjacent properties and public rights-of-way in accordance with city solid waste disposal policy.

3. Landscaping shall screen undesirable elements such as views to adjacent commercial or industrial development, utility equipment/boxes, outdoor storage areas, and dumpsters.

K. Landscaping.

1. Housing developments shall be designed to incorporate existing trees to the extent possible. New trees shall be located to create amenities in the common open space, private open space, provide shade where appropriate, to create separation between buildings when desired, and to screen and soften the perimeter of parking areas and street facing sides of housing units. Preservation of existing trees shall be provided. Trees are defined as any perennial woody plant with one main stem or multiple stems that supports secondary branches, that has a distinct and elevated crown, that will commonly reach a height of fifteen feet or greater, and that has a caliper of six inches or greater measured four and one-half feet above the ground level. At the direction of the Planning Board, up to twenty-five percent (25%) of the native trees and other vegetation shall be preserved to the fullest extent possible and the overall site design shall take advantage of the location of existing trees as well as natural openings or clearings on forested sites.

2. Common areas and required buffer areas shall be landscaped in conformance with a landscaping plan that presents the location and quantity of all project plantings. The application for a planned residential development shall include 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 30 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.

L. 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 6

CHAPTER 7 - FLOODPLAIN MANAGEMENT STANDARDS

701 SHORT TITLE - This Chapter shall be known and cited as Floodplain Management Standards.

702 PURPOSE AND ESTABLISHMENT

702.1 Purpose - Certain areas of the Town of Poland, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Poland, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, and as amended) as delineated in this Chapter and Code.

It is the intent of the Town of Poland, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

702.2 Establishment - The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Poland having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Chapter establishes a Flood Hazard Development Permit System and Review Procedure for development activities in the designated flood hazard areas of the Town of Poland, Maine.

The areas of special flood hazard, Zones A and AE for the Town of Poland, Androscoggin County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Androscoggin County” dated July 8, 2013 with accompanying “Flood Insurance Rate Map” dated July 8, 2013 with panels: 277D, 279D, 280D, 283D, 284D, 286D, 287D, 288D, 289D, 291D, 292D, 293D, 294D, 301D, 302D, 303D, 304D, 308D, 311D, 312D, 313D, 314D, 316D, 381D, 382D, 405D, derived from the county wide digital Flood Insurance Rate Map entitled “Digital Flood Insurance Rate Map, Androscoggin County,” are hereby adopted by reference and declared to be a part of this Ordinance.

703 PERMIT REQUIRED - Before any construction or other development as defined in Chapter 14, including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 702.2 a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This Permit shall be in addition to any other permits that may be required pursuant to this Code, ordinances and regulations of the Town of Poland, Maine.

704 APPLICATION FOR PERMIT - The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

A. The name, address and phone number of the applicant, owner, and contractor;

B. An address and a map indicating the location of the construction site;

C. A Site Plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

NOTE: ITEMS H-K.2 APPLY ONLY TO NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS.

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

1. Base flood at the proposed site of all new or substantially improved structures, which is determined:

a. In Zone AE, from data contained in the Flood Insurance Study – Androscoggin County, Maine, as described in 702.2; or,

b. In Zone A,

1. from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to sections 707.11 and 709.D.;

2. from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

3. to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

2. Highest and lowest grades at the site adjacent to the walls of the proposed building.

3. Lowest floor, including basement; and whether or not such structures contain a basement; and,

4. Level, in case of non-residential structures only, to which the structure will be floodproofed.

I. A description of an elevation reference point established on the site of all new or substantially improved structures;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. Certifications as required in Section 707 by a State of Maine registered Professional Engineer or Architect that:

1. Flood-proofing methods for any non-residential structures will meet the flood-proofing criteria of Section 704.H.4; Section 707.7; and other applicable standards in Section 707;

2. Engineered hydraulic openings in foundation walls will meet the standards of Section 707.12.B.;

3. Bridges will meet the standards of Section 707.13;

4. Containment walls will meet the standards of Section 707.14.

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of Construction Plans describing in detail how each applicable development standard in Section 707 will be met.

705 APPLICATION FEE AND EXPERT'S FEE

A. Application Fee - An application shall be paid to the Town of Poland for the initial application according to the schedule contained in the Town of Poland Fee Schedule.

B. Permit Fee - Permit Fees will be paid to the Town of Poland, Maine, according to the Fee Schedule contained in the Town of Poland Fee Schedule.

C. Expert Fee - An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals need the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant

within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

706 REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS - The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Section 707 (Development Standards) have, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood and floodway data contained in the "Flood Insurance Study – Androscoggin County, Maine," as described in section 702;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Section 704; Section 707.11; and Section 709.D., in order to administer Section 707 of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program;

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 702.2 of this Chapter;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those Federal, State, and local government agencies from which prior approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent Municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

F. Issue one of the following Flood Hazard Development Permits based on the type of development:

1. Issue a two (2) part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Land Surveyor, Professional Engineer or Architect based on the Part I permit construction , “as built,” for verifying compliance with the elevation requirements of Sections 707.6, 7 and 8. Following review of the Elevation Certificate data, which shall take place within seventy-two (72) hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. Issue a Flood Hazard Development Permit for Flood-proofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the flood-proofing standards of Section 707.7.A.1, 2, and 3. The application for this permit shall include a Flood-proofing Certificate signed by a State of Maine registered Professional Engineer or Architect; or,

3. Issue a Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than fifty percent (50%) of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for Section 707.10, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Chapter 304 of this Code, and copies of Elevation Certificates, Flood-proofing Certificates, Certificates of Compliance and Certifications of Design Standards required under the provisions of Sections 704, 707 and 708 of this Chapter.

707 DEVELOPMENT STANDARDS - All developments in areas of special flood hazard shall meet the following applicable standards:

707.1 All Development - All development shall:

A. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. Use construction materials that are resistant to flood damage;

C. Use construction methods and practices that will minimize flood damage; and,

D. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

707.2 Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

707.3 Sanitary Sewage Systems - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

707.4 On Site Waste Disposal Systems - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

707.5 Watercourse Carrying Capacity - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

707.6 Residential - New construction or substantial improvement of any residential structure located within:

A. Zone AE shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation.

B. Zone A shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 704.H.1.b; Section 706.B; or Section 709.D.

707.7 Non Residential - New construction or substantial improvement of any non-residential structure located within:

A. Zone AE shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

1. Be flood-proofed to at least one (1) foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

3. Be certified by a State of Maine registered professional engineer or architect that the flood-proofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by section 704.k. And shall include a record of the elevation above mean sea level to which the structure is flood-proofed.

B. Zone A shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 704.H.1.b.; Section 706.B; or Section 709.D, or

1. Together with attendant utility and sanitary facilities meet the flood-proofing standards of Section 707.7.A.

707.8 Manufactured Homes - New or substantially improved manufactured homes located within:

A. Zone AE shall:

1. Be elevated such that the lowest floor (including basement) of the manufactured home is at least one (1) foot above the base flood elevation;

2. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

3. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

a. Over-the-top ties anchored to the ground at the four (4) corners of the manufactured home, plus two (2) additional ties per side at intermediate points (manufactured homes less than fifty (50) feet long require one (1) additional tie per side); or by,

b. Frame ties at each corner of the home, plus five (5) additional ties along each side at intermediate points (manufactured homes less than fifty (50) feet long require four (4) additional ties per side).

c. All components of the anchoring system described in section 707.8.A.3.a and b shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

B. Zone A shall:

1. Be elevated on a permanent foundation, as described in Section 707.8.A.2, such that the lowest floor

(including basement) of the manufactured home is at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 704.H.1.b; Section 706.B; or Section 709.D; and

2. Meet the anchoring requirements of Section 707.8.A.3.

707.9 Recreational Vehicles - Recreational Vehicles located within

A. Zone AE shall either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days;

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in section 707.8.a.

707.10 Accessory Structures - Accessory Structures, as defined in Chapter 14 located within Zones AE and A, shall be exempt from the elevation criteria required in Section 707.6 and 7 above, if all other requirements of Section 707 and all the following requirements are met. Accessory Structures shall:

A. Be five hundred (500) sq. ft. or less and have a value less than $3000;

B. Have unfinished interiors and not be used for human habitation;

C. Have hydraulic openings, as specified in section 707.12.b, in at least two different walls of the accessory structure;

D. Be located outside the floodway;

E. When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and

F. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the special flood hazard area.

707.11 Floodways

A. In Zone AE, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the Flood Insurance Rate unless a Technical Evaluation certified by a Professional Engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the Town of Poland during the occurrence of the base flood discharge.

B. In Zone AE and A, riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Section 707.11.C unless a Technical Evaluation certified by a Professional Engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

1. Will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Town of Poland; and

2. Is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37, as amended).

C. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is

determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

707.12 Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Section 707, including the elevation requirements of Section 707.6, 7 and 8 and is elevated on posts, columns, piers, piles, stilts, or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

A. Enclosed areas are not "basements" as defined in Chapter 14;

B. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

1. Be engineered and certified by a State of Maine registered Professional Engineer or Architect; or

2. Meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of the enclosed area;

b. The bottom of all openings shall be below the base flood elevation and no higher than one (1) foot above the lowest grade; and,

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

C. The enclosed area shall not be used for human habitation; and

D. The enclosed areas are usable solely for building access, parking of vehicles, or storing of articles and equipment used for maintenance of the building.

707.13 Bridges - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

A. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one (1) foot above the base flood elevation; and

B. A Professional Engineer shall certify that:

1. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Section 707.11; and

2. The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

707.14 Containment Walls - New construction or substantial improvement of any containment wall located within

A. Zones AE and A shall:

1. Have the containment wall elevated to at least one (1) foot above the base flood elevation;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

3. Be certified by a Professional Engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification

shall be provided with the application for a flood hazard development permit, as required by section 704.k.

707.15 Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water if the following requirements are met:

A. Wharves, piers, and docks shall comply with all applicable Federal, State, and local regulations; and

B. For commercial wharves, piers, and docks, a Professional Engineer shall develop or review the structural design, specifications, and plans for the construction.

708 CERTIFICATE OF COMPLIANCE - No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. For New Construction or Substantial Improvement of any structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Land Surveyor, Professional Engineer, or Architect, for compliance with Sections 707.6, 7, and 8.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this Chapter.

C. Within ten (10) working days, the Code Enforcement Officer shall:

   1. Review the Elevation Certificate and the applicant's written notification; and

   2. Upon determination that the development conforms with the provisions of this Chapter, shall issue a Certificate of Compliance.

709 REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS - The Planning Board shall, when reviewing Subdivisions and other proposed developments that require review under other Federal and State law, this Code, or local ordinances or regulations, and all projects on 5 (five) or more disturbed acres, or in the case of manufactured home parks divided into two (2) or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed Development Plan must include a condition of Plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Section 707 of this Chapter. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the Municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any Map, Plat, or Plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

End of Chapter 7

CHAPTER 8 - STREET CONSTRUCTION STANDARDS

801 SHORT TITLE - This Chapter shall be known and cited as Street Construction Standards.

802 PURPOSE - The purposes of these Standards are to establish construction standards for public and private ways, including but not limited to street, roads, lanes, alleys, et al, hereinafter called "street."

803 ADMINISTRATION - These Standards shall be administered by the Planning Board, hereinafter called "Board." Standards for repairs and maintenance shall be administered by the CEO. [115]

804 APPLICABILITY

A. New Construction - These Standards shall apply to the construction of any and all streets within the Town. A street shall be accepted only if it meets the full provisions of this Chapter.

B. Alterations - Alterations, including widening, lengthening, and other improvements, shall be consistent with Sections 807 and 808 of this Chapter.

C. Repairs to and Maintenance of Privately Owned Streets - Repairs, except emergency repairs, and maintenance of privately owned streets shall be conducted in accordance with Section 812.2. [99]

D. Higher Design and Construction Standards - Nothing in this Chapter shall be construed to prevent the design and construction of any street meeting higher standards or using higher quality materials and improved methods.

805 APPLICATION PROCEDURE

805.1 Submission Requirements - Plans, Drawings and Illustrations submitted shall consist of one or more reproducible, stable base transparent originals, to be filed at the Municipal Office. In addition, nine (9) copies of Plans, Drawings and Illustrations and all accompanying information shall be delivered to the Code Enforcement Officer no less than seven (7) days prior to the meeting. Space shall be provided on the Plans Drawings and Illustrations for the signatures of the Planning Board and date with the following words. Approved: Town of Poland Planning Board. The submissions shall contain the following: [99]

A. The name(s) of the Applicant(s);

B. The name(s) of the owner(s) on record of the land for the location of the proposed street or, in the event of existing street, the name of said existing street;

C. A statement of any legal encumbrances on the land for the location of the proposed street;

D. The anticipated starting and completion date of each major phase of construction; and

E. A statement indicating the nature and volume of traffic anticipated on an average daily basis.

805.2 Plans - The Plans, Drawings and Illustrations submitted as part of the application shall be prepared by a State of Maine registered Professional Engineer or a State of Maine registered Land Surveyor and shall include the following information:

A. The scale of plans shall be one (1) inch = fifty (50) feet horizontal and one (1) inch = five (5) feet vertical;

B. The direction of the magnetic north;

C. Centerline profile and typical cross section of proposed street;

D. The points of beginning and ending shall be correlated to established streets, said points at street centerline shall be identified by survey stationing;

E. The right-of-way (ROW), existing structures and landmarks shall be properly correlated to the centerline of the

[115] Amended 4-26-2003

proposed street;

F. Lineal and angular dimensions necessary to locate boundaries, lots, subdivisions, easements, and building lines;

G. The lots, if any, as laid out and numbered, on a subdivision plan or the Town of Poland Property Parcel Maps, on said street, showing the name(s) of abutting property owner(s);

H. All waterways and water bodies in or on land contiguous to said street;

I. The kind, size, location, profile, and cross section of all existing and proposed drainage ways and structures with their relation to existing waterways and water bodies;

J. Soil Erosion and Sedimentation Control Plan showing interim and final control provisions;

K. Horizontal and vertical curve data depicting the following on the Plan and Elevation Drawing:

   1. Horizontal curves, shown along the centerline of street, expressed in degrees defined as the angle subtended by a chord of one hundred (100) feet. The Plan shall include the radius of each curve, the point of curve (PC) at the beginning, and the point of tangent (PT) at the end of the curve.

   2. Vertical curves along the centerline of street to be shown on the elevation (profile) drawing with the approach and departure gradients expressed as a percent thereto.

L. The limits and location of proposed sidewalk and curbing; and

M. The location of all existing and proposed overhead and underground utilities, to include but not limited to the following:

   1. Water and sewer lines;

   2. Drains, pipes, and culverts;

   3. Overhead power, telephone, and other communication lines;

   4. Underground power, telephone and other communication lines; and

   5. Street lights and traffic control signals.

Note: When a location of underground utility is only an approximate, it shall be noted as such on the plan.

N. The name(s) of each proposed new street.

805.3 Board Action - Upon receipt of Plans for a proposed public street, the Board shall forward one (1) copy to the Municipal Officers and one (1) copy to the Road Commissioner for review and comment; Plans for a street not proposed to be accepted as a public street by the Municipality shall be sent to the Road Commissioner for review and comment.

805.4 Streets Within Proposed Subdivisions - Streets proposed as part of a Subdivision, as defined, shall be submitted to the Board as an integral part of the Subdivision application. The Subdivision application and Plans shall conform with the full provisions of this Chapter and Code.

805.5 Application Review

A. Complete Application - Within thirty (30) days from the date of receipt of an application, the Board shall notify the applicant in writing that either the application is complete or, if incomplete, the specific additional material needed to make it complete. A determination by the Board that the application is complete commits or binds in no way the Board to the adequacy of the application to meet the requirements of this Code or Chapter.

B. Application Approval - Within thirty (30) days of a Public Hearing, or within sixty (60) days of having received the complete application, or within such other time limit as may be mutually agreed to, the Board shall grant or deny approval on such terms and conditions as it may deem advisable to satisfy this Code and Chapter and to preserve the public health, safety, and welfare. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Code and Chapter.

C. Public Hearing - The Board may hold a Public Hearing within thirty (30) days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time, and place of such hearing to be given to the applicant and all property owners abutting the proposed street, and to be published in a newspaper of general circulation in Poland at least two (2) times, the first publication to be at least seven (7) days prior to the hearing. Public Hearings shall be conducted in accordance with the procedures in Title 30-A, M.R.S.A. Section 2411, Subsection 3 A, B, C, D, and E.

806 ACCEPTANCE OF PUBLIC STREET - Approval by the Board of proposed public street shall not be deemed to constitute nor be evidence of acceptance by the Town of said street. Final acceptance of said public street shall be by affirmative vote at an annual Town meeting.

807 DESIGN STANDARDS FOR STREETS

807.1 General Standards

A. Street shall meet all design standards controlling roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

B. Street shall be designed to discourage through traffic within a residential Subdivision.

C. The character, extent, width, and grade of street shall be considered in relation to existing or planned streets.

D. Where a Subdivision abuts an existing narrow street (not meeting the width requirements of the Standards for Street of this Chapter) or when the Town of Poland Comprehensive Plan indicates need to realign or widen a street that would require use of some of the land in the Subdivision, the Plan shall indicate reserved areas for realigning or widening the street and the Plan marked “Reserved for Street Realignment or Widening Purposes.” Such reserved land shall not be included to compute lot area or setback requirements.

E. Where a Major Subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly unto the arterial street. This requirement shall be noted on the Plan and made a part of the deed description of the lots with frontage on said arterial street.

F. Any street that is a new street, expansion of an existing street, or a street in a subdivision serving fifteen (15) lots or dwelling units or more shall have at least two (2) connecting points with an arterial street or collector street. For the purpose of this subparagraph F, all dead ends streets that intersect or connect with each other shall be considered a single street and all lots or dwelling units having access to any of the intersecting or connected dead end streets shall be counted in determining whether the total fifteen (15) has been reached. [116]

G. The centerline of street shall be the right-of-way (R/W) centerline.

H. The following Design Standards shall apply for each type of street:

[116] Amended 4-29-2006 / 4-7-2007

Table 807.1 / STREET DESIGN STANDARDS

Type	I	II		III	
Description	**Arterial***	**Collector**	**Minor**	**Private**	**Mobile Home Park**
Min. R/W Width	80'	60'	60'	60'	23'
Min. Pavement or Gravel Travel Width	24-44'	24'	20'	20'	20
Min. Shoulders	50'	3'	3'	3'	3'
Sidewalk	5-8'	5'	5'	N/A	5'
Max. Gradient	5.00%	6.00%	10.00%	10.00%	10.00%
Min. Radius at Centerline	800'	200'	150'	150'	150'
Min. Tangent Between Reverse Curves	300'	200'	100'	100'	100'
Pavement Crown	1/4"/ft.	1/4"/ft.	1/4"/ft.	N/A	1/4"/ft.
Angle at Intersections (Degrees)	85-95	85-95	90	90	90
Max. Gradient Within 75' of Intersection	2.00%	2.00%	2.00%	2.00%	2.00%
Min. Curb Radius at Intersections	30'	20'	15'	15'	15'

807.2 Dead End Streets

A. Cul-de-sacs - In addition to the Design Standards above, dead end streets shall be constructed to provide a cul-de-sac turn-around with the following minimum requirements:

1. Radius to property line seventy feet (70').
2. Radius to the outer edge of pavement or curb line fifty-five feet (55').
3. A center vegetated circle with radius to the inner edge of pavement or curb line fifteen feet (15').
4. Cul-de-sacs shall meet the same minimum road standards as set forth in Chapter 8 as that for the rest of the roadway to which the cul-de-sac attaches.

The Board shall require the reservation of a twenty- (20) foot easement in line with the street to provide for a continuation of pedestrian traffic or utilities to an adjacent or abutting street. The Board shall also require the reservation of a sixty- (60) foot easement in line with the street to provide a continuation of the street where a future Subdivision is a possibility. Cul-de-sacs shall meet the same minimum road standards as set forth in Chapter 8 as that for the rest of the roadway. [117]

807.3 Grades, Intersections and Sight Distances

A. The street grades shall conform in general to the terrain so that cuts and fills are minimized while maintaining the standards for gradients required in Section 807.1.H.

B. All changes in street grades shall be connected by vertical curves to provide the minimum sight distances specified in Section 807.3.C below.

C. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the street where traffic will be turning, shall be based upon the posted speed limit and conform to the following:

Posted Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance (Feet)	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including embankments, to acquire the required visibility.

D. Cross street (four-cornered) intersections shall be avoided as much as possible, except as permitted in the Town of Poland Comprehensive Plan or at important traffic intersections. A minimum distance of six hundred sixty (660) feet The Planning Board may reduce the centerline to centerline measurement down to ten (10) times the value of

[117] Amended 4-30-2005/Amended 4-29-2006/Amended 04-03-2010

the speed limit measured in feet provided all traffic safety concerns can be met by the applicant shall be maintained between centerline of intersecting side streets. [118]

807.4 Sidewalks - Where the Board requires the installation of sidewalks, they shall meet the following minimum requirements:

A. Bituminous Sidewalks

1. The gravel aggregate sub-base course shall be twelve (12) inches thick;
2. The crushed aggregate base course shall be no less than two (2) inches thick; and
3. The hot bituminous pavement surface shall be two (2) inches thick after compaction.

B. Poland Cement Concrete Sidewalks

1. The sand base shall be at least six (6) inches thick;
2. The Poland Cement concrete shall be four (4) inches thick and be reinforced with six (6) inch square, number ten (10) wire mesh.

808 STREET CONSTRUCTION STANDARDS

808.1 Hot Bituminous Pavement (minimum requirements):

Table 808.1 / HOT BITUMINOUS PAVEMENT

Street Type (Section 807.1.F)	I	II	III
Subbase Course (maximum stone 4")	36"	24"	18"
Base Course (crushed aggregates)	4"	3"	3"
Finished Courses (bituminous):			
A. BASE	2 1/2"	2"	2 1/2"
B. SURFACE	1 1/2"	1"	
C. TOTAL THICKNESS	4"	3"	2 1/2"

808.2 Preparation

A. Before any clearing has started on the right-of-way, the centerline and side lines of the street shall be staked or flagged at fifty (50) foot intervals. An engineering firm knowledgeable in road construction shall be hired by the Road Commissioner and/or Public Works Director to perform inspections and to provide the town certification upon completion of the street as constructed meets the requirements of this Chapter and Chapter 9. The cost of the services provided by this engineering firm shall be borne by the applicant, landowner, and/or developer by setting up an escrow to cover the costs. [119]

B. Before grading is started, the entire right-of-way width necessary for the travelway, shoulders, sidewalks, drainage ways and utilities shall be cleared of all stumps, roots, brush, and other objectionable materials. All ledge, large boulders and tree stumps shall be removed from the right-of-way.

C. All organic material, rocks and boulders shall be removed to a depth of two (2) feet below the street subgrade on soils which have been identified as not suitable for streets. The material removed shall be replaced with material meeting the specifications for gravel aggregate sub-base.

D. Side slopes shall not be steeper than a slope of three (3) feet horizontal to one (1) foot vertical and shall be graded, limed, fertilized, and seeded according to the specifications of the Erosion and Sedimentation Control Plan.

[118] Amended 4-4-2009
[119] Amended 4-29-2006

E. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Sewer and water service connections shall be installed to the edge of the right-of-way prior to paving.

808.3 Bases and Pavements

A. Bases. [103]

1. The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay, and other deleterious substances. Aggregate for the sub base shall meet the Maine Department of Transportation's (MDOT) Regulations on Materials Section 703.06, Type D. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage of Weight Passing Square Mesh Sieves
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregates for the sub-base contain no particle of rock which will not pass the 6 inch sieve designation.

2. The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay, and other deleterious substances. Aggregate for the base shall meet the MDOT Regulations on Materials Section 703.06, Type A. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following:

Sieve Designation	Percentage of Weight Passing Square Mesh Sieves
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particle of rock which will not pass the two inch (2") sieve.

B. Pavement Joints - Where the pavement joins an existing pavement, the existing pavement shall be cut along a smooth line to form a neat, even, vertical joint.

C. Curbs and Gutters

1. Street curbs and gutters shall be installed as required by the Board; and

2. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.

D. Pavement

1. Minimum standards for pavement shall be MDOT "Superpave" as specified in Section 401 of the latest revision of the Maine Department of Transportation, Standard Specifications for Highway and Bridges.

E. Gravel Surface Streets - Gravel surface streets or roads constructed under the provisions of this Section shall not be offered or proposed for acceptance as Town maintained roadways, unless they have been paved in accordance with the provisions of this Chapter and have met all other applicable provisions of this Code and Chapter.

When authorized and approved by the Board, after consultation with the Municipal Officers and Road Commissioner, requests for gravel surface streets or roads may be allowed, provided that the following requirements are met in addition to all other applicable design standards.

1. Existing or projected traffic volumes shall not exceed fifty (50) vehicles per day.

2. The area to be served has low development potential and will serve less than eight (8) lots or dwelling units.
3. Dust from the street surface will not adversely affect adjacent properties.
4. The surface materials shall shed rain which falls on the surface of the road and shall be shaped to a surface crown of ½" per lineal foot.
5. The road material shall meet the requirements for base and sub-base coarse gravel in Section 808.3.A above as amended below:

   a. Subbase course 18" thick
      Same sieve designation for sub-base

   b. Gravel surface 6" thick
      100% passing a 1 inch sieve

809 ADDITIONAL IMPROVEMENTS AND REQUIREMENTS

809.1 Erosion Control - The procedures outlined in the Erosion and Sedimentation Control Plan shall be implemented during site preparation, construction, and clean-up stages.

809.2 Clean-up - Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of stump and debris is proposed, it shall be included in the design and shown on the Site Plan. Disposal materials shall be suitably covered with fill material, top soiled, limed, seeded and fertilized.

809.3 Street Names, Signs and Lighting - Streets which join and are in the same alignment with streets of abutting or neighboring properties shall bear the same name. New street names shall not duplicate nor bear phonetic resemblance to names of existing streets within the Municipality and shall be subject to the approval of the Board. No street name shall be the common name of a person. The developer shall reimburse the Town for the costs of installing street name, traffic safety, and control signs. Street lighting if required shall be installed as approved by the Board at the cost of the developer.

810 CERTIFICATION OF CONSTRUCTION - Upon completion of street construction and prior to vote by the Municipal Officers to submit a proposed public street to the legislative body, a written certification signed by a State of Maine registered Professional Engineer, shall be submitted to the Municipal Officers and Road Commissioner at the expense of the applicant, certifying that the proposed street(s) meet or exceed the design and construction requirements of this Code and Chapter. "As Built" Plans shall be submitted to the Road Commissioner.

811 PERFORMANCE GUARANTEES - With the submittal of the application for street approval, the applicant shall provide performance guarantee as provided for in Chapter 614.

812 PRIVATELY-OWNED STREETS

812.1 Statement on Recorded Plan - Where streets are to remain privately-owned, the following statement shall appear on the recorded Plan: *"Streets indicated as Private-Owned Street shall remain private streets to be maintained by the Developer or the Lot Owners and shall not be accepted nor maintained by the Municipality unless said street has been brought up to or, otherwise, meets the current Street Construction Standards and certified by a State of Maine registered Professional Engineer."*

812.2 Repair and Maintenance of Privately-Owned Streets - Repairs, except emergency repairs, and maintenance of privately owned streets shall be conducted in accordance with the following:

A. Surfacing material shall be of such gradation to allow water to drain from the street into the ground or into a ditch and eliminate water from entering the street through the surface.

B. Grading shall allow surface water from the road to drain into roadside ditches. Street crowns should be maintained from one half (½) inch to three quarters 3/4 inch per foot of width.

C. Ditches shall be maintained to allow water to flow away from the street.

D. Culvert inlets and outlets shall be protected to ensure culvert stability and to prevent erosion.

E. Temporary and permanent Erosion and Sediment Controls shall be employed.

813 INSPECTION

813.1 Notification of Construction - At least five (5) days prior to commencing street construction or alteration, the applicant shall notify the Code Enforcement Officer in writing of the time when work is to commence so that the Municipal Officers can cause inspection to be made to assure that all the Specifications and Requirements of this Code shall be met during construction or alteration.

813.2 Non-Compliance with Plan - Upon inspection of the work to be performed, it is found that it has not been constructed in accordance with the approved Plans and Specifications, the Code Enforcement Officer shall so report to the Municipal Officers and the Board. The Municipal Officers shall then notify the Applicant and, if necessary, the Bonding Company and take all necessary steps to preserve the rights of the Municipality under the Guarantee, Security, or Bond.

813.3 Modification During Construction - If at any time before or during the construction of the street, it is demonstrated to the satisfaction of the Code Enforcement Officer or the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the street, the Code Enforcement Officer or the appointed inspector may authorize modifications, provided such modifications are within the spirit and intent of the Board's approval. In the event of an approved modification, a Change Order shall be issued in writing and copy of said Change Order shall be transmitted to the Board at its next regular meeting.

813.4 Inspection Fee - The Board may assess the Applicant a fee as established in the Town of Poland Fee Schedule to cover the costs of construction inspection.

814 WAIVERS

A. Where the Board makes written findings of fact that the Applicant will suffer an undue economic or other hardship if the requirements of this Chapter are strictly adhered to, the Board may waive the necessity for strict compliance with the requirements of the Chapter in order to provide relief from the hardship in question and to permit a more practical and economical development, provided, however, that the public health, safety and welfare will not be compromised and further provided that the waivers in question will not have the effect of nullifying the requirements of this Code nor set an unwarranted precedent.

B. In granting waivers to any provision of this Chapter as delineated in Section 814.A above, the Board shall require such conditions to assure that the objectives of this Code are met.

End of Chapter 8

CHAPTER 9 - ROAD AND STREET ENTRANCE STANDARDS

901 SHORT TITLE - This Chapter shall be known and cited as Road and Street Entrance Standards.

902 PURPOSE - The purposes of these standards are to protect the public health, safety and public welfare by establishing standards for entrances to Town ways or other improvements and/or changes within Town ways.

903 APPLICABILITY

A. Any alteration, relocation or construction of an entrance to any Town right-of-way shall not begin without first obtaining an approved Entrance Permit from the Town of Poland Road Commissioner or his agent.

B. Any alteration, relocation or construction of an entrance to a right-of-way in a subdivision that may become a public way shall not begin without first obtaining an approved Entrance Permit from the Town of Poland Road Commissioner or his agent. [120]

904 ADMINISTRATIVE PROCEDURES - The Poland Municipal Officers may adopt administrative procedures and policies to instruct their agents and carry out the intent of these standards.

905 APPLICATION PROCEDURE

A. Applications for an Entrance Permit approval shall be on forms supplied by the Town.

B. The applicant and/or permittee agrees to hold the Town, its agents and employees harmless against any action for personal injury or property damage sustained by reason of the exercise of an Entrance Permit.

906 DESIGN STANDARDS - The location, design and construction of the entrance and improvements, and/or changes shall be in accordance with the following.

A. All entrances shall be located so that vehicles approaching, or using the entrances, will have adequate site distance in both directions along the roadway.

B. The grade of entrances shall in general, slope away from the highway surface at a rate of not less than one quarter (1/4) inch per foot, for a distance of not less than the prevailing width of the shoulder, plus three (3) feet, but in no case less the five (5) feet from the edge of the pavement, or road grade.

C. If a sidewalk, curbing or curb and gutter is to be removed when constructing the entrance, the applicant or permittee shall replace the necessary sidewalk, curbing or curb and gutter at the break points of the entrance at his expense.

D. Drainage and roadside ditches shall not be altered or impeded. The applicant shall provide, at his expense, suitable drainage structures, culverts, or other constructed drainage at all entrances approved by the Road Commissioner, or his agent.

E. Surface drainage shall be provided so that all surface water on the areas adjacent to the roadway will not drain onto the traveled portion of the roadway.

F. Any excavation, grading, digging, planting, or change within the Town roadway right-of-way to provide utilities, water, drainage, beautification, must first be approved by the Road Commissioner, or his agent. The road surface must be replaced, or repaired, equal to the existing natural or paved road surface. Disturbed ground within the right-of-way shall be restored to the Town's satisfaction.

G. The entrances and exits to any public gathering or commercial place shall be considered special cases. The Town may require a report by a Traffic Engineer provided by the applicant as part of the application. Detailed Plans shall be provided as part of the application.

H. After approval and acceptance of the entrance by the Road Commissioner, or his agent, the Town agrees to maintain that portion of the entrance within the Town right-of-way.

[120] Amended 4-30-2005

End of Chapter 9

CHAPTER 10 - AUTOMOBILE GRAVEYARDS, JUNKYARDS, AND AUTOMOBILE RECYCLING BUSINESS STANDARDS

1001 SHORT TITLE - These standards shall be known and may be cited as "The Automobile Graveyards, Junkyards, and Automobile Recycling Businesses Standards for the Town of Poland, Maine."

1002 PURPOSE AND APPLICABILITY

1002.1 Purpose - The purposes of these standards are to provide adequate controls to ensure that automobile graveyards, junkyards, automobile recycling businesses, and automotive, locomotion devices, and general storage lots do not have a deleterious impact on the public health, safety, and general welfare. [121]

1002.2 Applicability - These standards shall apply to all existing and proposed automobile graveyards, junkyards and automobile recycling businesses within the Town of Poland, Maine as defined in Title 30-A, M.R.S.A. Section 3752. These standards shall also apply to automotive storage lots, locomotion devices storage lots, and general storage lots. Each existing automobile graveyard, junkyard and automobile recycling business shall, by September 1, 2002, submit for review and approval a permit application as required by this Chapter. No person may establish, operate, or maintain an automobile graveyard, junkyard or automobile recycling business without first obtaining a nontransferable Permit from the Municipal Officers. [105]

1003 ADMINISTRATION - These standards shall be administered by the Municipal Officers. No Automobile Graveyard, Junkyard or Automobile Recycling Business Permit, any type of Storage Lot Permit, or Renewal Permit shall be issued unless the provisions of this Code are met. [122]

1003.1 Application Process - Upon receipt of an application and appropriate fees, the Code Enforcement Office shall set a date for the Planning Board to review the application. The Planning Board shall review the application to determine whether or not the application is complete and meets all the requirements of this Code. Upon approval of the Planning Board, they shall inform the Municipal Officers of their findings after which the Municipal Officers shall schedule and hold a Public Hearing in accordance with Title 30-A, M.R.S.A. Section 3754. Within fourteen (14) days of the conclusion of the Public Hearing the Municipal Officers shall approve, approve with conditions, or deny the Permit or Renewal Permit. [105]

1003.2 Renewals - Permits shall be renewed annually to remain valid. Once the Site Plan is approved, it does not have to be resubmitted unless changes are made to the site or its operations. The Code Enforcement Officer and Fire Department shall annually inspect the site of each business to ensure that the provisions of this Code and State law are complied with and shall report the same to the Municipal Officers. An annual report by the operator of the business, indicating changes in contractors and insurance companies and environmental problems, if any, and corrective actions taken shall be submitted to the Municipal Officers prior to their review for the Permit renewal.

1003.3 Abutter notification - Abutters within five hundred (500) feet of the property on which the business is to be operated are to be notified by certified mail, Return Receipt Requested, by the applicant, at least seven (7) days prior to the Public Hearing. Proof of notification of each abutter will be the returned receipt for the certified mail.

1003.4 Fees

A. Application Fee - An application fee shall be paid to the Town of Poland for the initial application according to the schedule contained in the Town of Poland Fee Schedule.

B. Permit Fee - Permit Fees will be paid to the Town of Poland, Maine, according to the Fee Schedule contained in the Town of Poland Fee Schedule.

[121] Amended 4-27-2002
[122] Amended 4-26-2003

1003.5 Submission Requirements - In addition to the submission requirements contained in Chapter 509, any application for an Automobile Graveyard, Junkyard, any type Storage Lot, or Automobile Recycling Business Permit shall contain the following additional information:

A. A Site Drawing showing the boundary lines of the property and setback requirements.
   1. Location of all compound areas for the storage of vehicles and parts. Include size of each area;
   2. The location of all buildings and structures used in the business. Include size of each;
   3. The location of all adjacent properties and what they are used for within one thousand (1,000) feet of the area where vehicles will be placed, or within five hundred (500) feet of the property line on the lot that the operation is located – whichever is the greater distance.

1004 PERFORMANCE STANDARDS - In addition to the performance standards contained in Chapter 509.9, the following performance standards are required of all Automobile Graveyards, Junkyards and Automobile Recycling Businesses, and any type of Storage Lot, whether new or existing: [123]

1004.1 Visual Screen - The site must be entirely enclosed by a visual screen at least six (6) feet in height and built in accordance with Department of Transportation rules issued pursuant to Title 30-A, M.R.S.A. Section 3755, and meet the Building Code standards of Chapter 11 for its construction. Any yard that can be looked into from other areas due to hilly terrain shall make the visual screen large enough to block the view from the higher off-site elevations. [124]

1004.2 Storage Near Water - No vehicle, mechanical device, or fixture shall be stored within three-hundred (300) feet of any water body, tributary stream or wetland.

1004.3 Storage Near Public Areas - No vehicle, mechanical device, or fixture shall be stored within five-hundred (500) feet of any private well, school, church or public playground or public park.

1004.4 Storage, General - No vehicle, mechanical device, or fixture shall be stored over a sand and gravel aquifer or aquifer recharge area 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) or mapped by a State of Maine certified Geologist with expertise in Hydrology. No vehicles shall be stored within the 100-year floodplain.[125]

1004.5 Hazardous Material Removal & Disposal - Upon receiving a motor, vehicle, mechanical device, or fixture, the battery, if any, shall be removed and stored such that any acid or other fluids do not contaminate any of the surrounding environment and shall leave the site according to Federal and State laws, rules and regulations. All lubricants, fluids, coolants shall be drained into watertight, covered containers. These materials shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. Any materials considered hazardous or requiring special handling are to be placed in suitable containers until they are recycled or disposed of according to all applicable Federal and State laws, rules, and regulations. Air conditioning units shall be drained of their heat transfer fluids according to all applicable State and Federal laws, rules, and regulations. No discharge of any of these lubricants, fluids, or materials shall be permitted into or onto the ground or into the air. Written Plans and copies of Contracts to dispose of these items are to be a part of the initial application, and renewal statements for these items or new Contracts and Plans are to be submitted prior to the review for Permit renewal.

1004.6 Setbacks - No vehicle shall be located closer than one-hundred (100) feet from any lot line.

1004.7 Noise - To reduce noise, all dismantling of motor vehicles or other loud noise operations shall take place within a building. Noise levels shall not exceed those set in Chapter 509.9.S.

1004.8 Insurance - Proof of insurance for handling hazardous material or regulated materials shall be submitted with the initial application and with each subsequent renewal for the operator and for any contractor removing these materials to disposal sites. Insurance Contracts are to be written such that the Town of Poland is to be notified by the Insurance

[123] Amended 4-26-2003
[124] Amended 4-27-2002
[125] Amended 04/06/2013

Companies of any cancellation or termination of the policy. Lack of insurance or the termination of insurance shall require immediate revocation of any Permits issued under the provisions of this Code.

1004.9 Minimum Lot Size and Percentage of Use - Minimum lot size for the business regulated by this Chapter shall be five (5) acres with two hundred fifty (250) feet of road frontage on a public or private way. Private ways are to meet minimum standards of the Chapter 8, Street Construction Standards, for a gravel way. Any residence, other business, or rights of way on the same lot may not be included in the business area. Minimum lot frontage and lot area for residences and other businesses shall be maintained exclusive of this business. All structures, compound areas, driveways, parking areas, and other impervious surfaces shall not exceed that required for the District as contained in Chapter 507.2.

1004.10 Tire Storage - No site may store more than fifty (50) tires total, indoors and outdoors, that are not mounted on a vehicle. No vehicle may have more than the standard number of tires designed to be mounted on it. Any tire that is flat or will not maintain pressure, whether mounted on a vehicle or not, shall be counted as one (1) of the tires in storage. No vehicle may include a spare tire. (Exception: A vehicle that is registered and has a valid state inspection sticker; or is roadworthy, and is for sale may have one spare tire.)

1005 INSPECTIONS - All businesses regulated by this Chapter are subject to inspection without notice during normal business hours and shall be inspected at least once per year by the Code Enforcement Officer and/or the Fire Department. Inspections may also be conducted by authorized Federal or State agencies.

End of Chapter 10

CHAPTER 11 - BUILDING STANDARDS [109]

CHAPTER 11 - BUILDING STANDARDS

1100 SHORT TITLE - This Chapter shall be known and may be cited as the "Building Code Standards for the Town of Poland, Maine" in conjunction with the Building Code Standards and Adoption of the 2009 International Building Code (IBC), 2009 International Residential Code (IRC), 2009 International Existing Building Code (IEBC), and 2009 International Energy Conservation Code (IECC) by Reference. The following standards have also been adopted E-1465-2006, (Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings), ASHRAE 62.1 - 2007 (Ventilation for Acceptable Indoor Air Quality) ASHRAE 62.2 - 2007 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) ASHRAE 90.1 - 2007 (Energy Standard for Buildings except Low-Rise Residential Buildings) editions without addenda.

1101 PURPOSE AND APPLICABILITY

1101.1 Purpose - The purpose of this Chapter is to establish minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that the structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures; known as the Building Code.

1101.2 Applicability - The provisions of this Chapter shall apply to all properties, buildings, and structures within the town of Poland.

1102 ALL STRUCTURES

1102.1 Adoption of M.U.B.E.C. – Effective December 1, 2010, the Town of Poland applies and enforces the Maine Uniform Building and Energy Code ("M.U.B.E.C."), as required by 10 M.R.S.A § 9724. The Code Enforcement Officer of the Town of Poland shall serve as the building official as defined in 25 M.R.S.A § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C; as such components may be revised from time to time by the Technical Building Codes and Standards Board. Administration and enforcement of M.U.B.E.C., including permits, fees, violations, penalties and appeals, shall be in accordance with chapter 3 of the Town of Poland's Comprehensive land use code.

1102.2 Copies to the Town Clerk - That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Poland,

1102.3 Revisions –

All chapters revised and updated by The Maine Technical Building Codes and Standards Board established pursuant to 5 M.R.S. §12004-G (5-A), as provided in 10 M.R.S. §9721 et seq. and the State Legislature.

Section 105.2 of 2009 IRC Item 1 - Replace item 1 to read, "One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area does not exceed 200 sq. ft. (18.58 m2). The structure's maximum height is not to exceed 12 feet (3,657 mm) from the grade plane. Setback and lot coverage requirements shall still be met."

1102.4 Climatic and Geographic Design Criteria
Ground Snow load = 70 PSF
Wind Speed = 92 mph
Seismic Category = C (35%g, 0.2 sec spectral response)
Weathering = Severe
Frost line depth = 45"
Termite = None to slight
Decay = None to slight
Winter design temp = - 40 F
Flood Hazards = 1996

1103 Other codes adopted by reference:

State of Maine Internal Plumbing Rules based on the 2009 UPC.
State of Maine Subsurface Waste Water Rules 2011 version dated January 18, 2011.
2011 NFPA 70 (National Electric Code NEC 2011) as adopted by the State of Maine.
2006 NFPA 101 (National Fire Protection Association Life Safety Code)
2006 NFPA 211 (National Fire Protection Association Standard for Chimneys, Fireplaces, and Solid Fuel-Burning Appliances)

End of Chapter 11

CHAPTER 12 - FIRE PREVENTION AND LIFE SAFETY CODE STANDARDS [126]

1201 SHORT TITLE - This Chapter shall be known and may be cited as the "Fire Prevention and Life Safety Code Standards for the Town of Poland, Maine".

A. Purpose and Applicability - The purpose of this chapter is to prescribe minimum regulations governing life safety and hazardous condition to life and property from fire or explosion.

B. Applicability - The provisions of this Chapter shall apply to all properties, buildings, and structures within the town of Poland.

1202 ADMINISTRATION AND ENFORCEMENT - This chapter shall be administered and enforced by the Town of Po1and Fire/Rescue Chief and/or the Town of Poland Code Enforcement Officer.

1203 ADOPTION OF A FIRE PREVENTION CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION

A. That a certain document, three (3) copies of which are on file in the office of the Town of Poland Clerk of the Town with one (1) copy being in the Town Clerk's Office, marked and designated as the *Fire Prevention Code – 1970 edition abbreviated* as recommended by the American Insurance Association, be and is hereby adopted as the *Fire Prevention Code* of the Town of Poland, in the State of Maine; for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion; each and all of the regulations, provisions, penalties, conditions and terms of said *Fire Prevention Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with additions, insertions, deletions, and changes prescribed in Chapter 1.

B. Revisions to the Fire Prevention Code, 1970 Edition - The Fire Prevention Code, 1970 Edition is amended and changed in the following respects:

1. Section 15. Is amended to add the following: "(g) Dangerous accumulations of brush, debris, slash, scrap lumber or wood, or uncut grass."

2. Section 169.2. Is amended by adding the following: "(c) Fire Lanes shall be provided for all buildings set_back more that 150 feet (45.75m) from a public road or exceed 30 feet (9.14m) in height."

3. Add: Section 62. Water Supply For Residential Developments:

   The Chief of the Fire/Rescue Department shall review all proposed residential developments consisting of seven (7) or more residential dwellings or single building developments with six (6) or more families and specify a suitable water supply for firefighting purposes. The water supply must be of large enough capacity to provide a sufficient fire flow for the largest proposed structure within the development. The water supply must be located within the boundaries of the proposed residential development or within 3500 feet outside the residential development, as measured along roadways usable by firefighting apparatus, if an approved water source already exists and is acceptable to the Fire Rescue Chief. 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 (NFPA) 1141 and 1142. [164]

   The developer or property owner installing a water supply facility located on privately owned property to satisfy the water supply requirement set forth in this section as a condition of development must provide the Town of Poland with a formal easement acceptable to the Fire/Rescue Chief between the location of the water source and the point of access from a publicly maintained road.

4. Add: Section 63.Maintenance of Water Sources for Residential Developments:

   Maintenance for water sources required under Section 62 of this code that is located on private roadways or drives within a residential development shall be the responsibility of the property owner. This will include snow removal and the cutting of brush and grass so that the water source is readily visible and accessible at all

[126] Chapter Created 4-29-2006
[164] Amended 4-2-2011

times.

The property owner shall be responsible for the initial filling of any tanks that may be used. The Fire Department will then be responsible for refilling after use.

C. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents, Storage of Flammable Liquids in Outside Aboveground Tanks, and Bulk Storage of Liquefied Petroleum Gases is to be restricted - The limits referred to in Section 53.b. of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in Section 74.a. of the code hereby adopted in which storage of Class 1 liquids in outside above ground tanks is prohibited, and the limits referred to in Section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: Restricted in all areas excluding those designated Commercial and Industrial.

D. Establishment of Motor Vehicle Routes for Vehicles Transporting Explosives and Blasting Agents - The routes referred to in Section 55.i. of the Fire Prevention Code for vehicles transporting explosives and blasting agents are hereby established as follows: "State Highways designated Routes 11, 26, 121, & 122. Travel on local roads is restricted to deliveries to property locations served by that local road."

E. Establishment of Motor Vehicle Routes for Vehicles Transporting Hazardous Chemicals or Other Dangerous Articles - The routes referred to in Section 109.1.b. of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: "State Highways designated Routes 11, 26, 121, 122. Travel on local roads is restricted to deliveries to property locations served by that local road."

F. Establishment of Limits of Districts Restricting the Storage of Hazardous Chemicals and Dangerous Articles - The limits of storage of Hazardous Chemicals and other dangerous articles in bulk quantities are hereby established as follows: "Restricted in all zoned areas excluding those designated Industrial Areas."

G. Establishment of Fire Lanes on Private Property Devoted to Public Use - The fire lanes referred to in section 169.2.a. of the Fire Prevention Code are hereby established as follows: The Fire/Rescue Chief shall inspect all such property and designate fire lanes as necessary to allow access for firefighting equipment.

1204 ADOPTION OF NFPA LIFE SAFETY 101 BY REFERENCE

A. That a certain document, three (3) copies of which are on file in the office of the Town of Poland Clerk of the Town with one (1) copy being in the Town Clerk's Office, marked and designated as the Life Safety Code 101 - 2006 Edition including Appendices A and B as published by the National Fire Protection Association, as adopted by the State of Maine [166] be and is hereby adopted as the Life Safety Code of the Town of Poland, in the State of Maine; for control of buildings and structures as herein provided; each and all of the regulations, provisions, penalties, conditions and terms of said Life Safety Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with additions, insertions, deletions, and changes prescribed in Chapter 1.

1205 VIOLATIONS AND PENALTIES - Any person who violates any provision of this chapter commits a civil violation and is subject to fines and penalties as provided in Chapter 4 of this Code.

End of Chapter 12

CHAPTER 13 – (RESERVED)

CHAPTER 14 - DEFINITIONS

1401 CONSTRUCTION OF LANGUAGE - In the interpretation and enforcement of this Code, all words other than those specifically defined in the various Chapters shall have the meaning implied by their context or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Code and any map, illustration or table, the text shall control.

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

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

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

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

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

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

G. The words “Town” or “Municipality” mean the Town of Poland, Maine.

1402 DEFINITIONS

Access Right-of-way: A narrow portion of a parcel of land abutting a right-of-way that; (1) does not meet road frontage requirements for the parcel, (2) is too narrow to build on or is impractical to build a primary structure because of setbacks, and (3) is used as a corridor for ingress and egress to the main body of the parcel where a primary structure may be built. Access right-of-ways shall not count towards the required road frontage for the lot(s) using access. [127]

Accessory Apartment: A second dwelling unit located in an existing single family dwelling for use as a complete, independent dwelling unit. Such dwelling is an accessory use to the main dwelling unit.

Accessory Residential Structure: A structure containing one (1) dwelling unit created in an accessory structure existing on the effective date of this Code.

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

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

Adult Book/Video Store: An establishment having as a substantial or significant portion of it stock in trade books, magazines, publications, tapes or videos that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

Adult Entertainment Facility: An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas or features topless dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

[127] Amended 4-30-2005

100 Year Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
Aggrieved Party: an owner of land whose property is directly affected by the granting or denial of a permit or variance; or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

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

Airport: An area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes its buildings and facilities, if any.

Alteration: Any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders or in the use of a building. The term shall include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

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

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

Applicant: The person submitting an application for development or permit required by this Code.

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

Aquifer: A geologic unit composed of rock, gravel, sand, silt or clay which contains sufficient saturated permeable materials to conduct ground water and yield economically significant quantities of ground water to wells, springs and streams.

Arcade: A series of outdoor spaces located under a roof or overhang and supported by columns or arches. [128]

Area of a Shallow Flooding: Means a designated AO and AH zone on the Town of Poland Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: Means the land in the floodplain having a one percent (1%) or greater chance of flooding in any given year.

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

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

Automobile Graveyard: In addition to those vehicles defined in Auto graveyards and recycling businesses in the

[128] Added 4-4-2009

definitions in Title 30-A, M.R.S.A. Section 3752, (unserviceable, discarded, worn out, et al) other vehicles included in the definition shall be those that meet any of the following criteria:

A. Any vehicle that is, was, or could be motorized and self propelled, and may or may not require licensing, registration, or inspection.

B. The vehicle's power train - from starting mechanism to the final propulsion contact with land, water or air – and/or braking mechanism is not 100% intact and properly operating.

C. The power train and braking mechanism cannot be made fully functional in a safe operating condition by the personnel at hand in two (2) business days or less.

Also included with these vehicles are commercial, box, tanker, flatbed, tandem, utility, boat, snowmobile, travel, other trailers, or railroad cars designed to be hauled behind a motorized vehicle or another trailer and fall into the same categories described in Title 30-A, M.R.S.A. Section 3752.

Automotive Storage Lot: A lot or part thereof that is used for the storage for more than sixty (60) days of more than three (3) automobiles, trucks, and/or other motorized vehicles, as defined in Title 29-A MRSA, Section 101, Subsection 42, or parts of such vehicles. These vehicles are exempt providing they are registered and inspected, or wholly contained within a structure with solid roof and permanent walls around the entire perimeter of the structure. [129]

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

Back lot: Any parcel of land that does not have frontage on a right-of-way, or has only an *access* right-of-way. [130]

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

Base Flood: Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, called the 100-year flood.

Basement (Flood Plain Standards): Any area of a structure having its floor subgrade (below ground level) on all sides.

Basement: Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than 50% of its volume below the existing ground level that has no external egress except for a bulkhead.

Bay: As applied to section 508.33, a spatial division element in a building defined by beams or ribs and their supports. [131]

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one (1) month. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room. [132]

Berm: As applied to section 508.33, an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses. [117]

Board of Appeals: The Poland Board of Appeals as established in Chapter 304.

Boarding – Rooming House: Similar to a Bed and Breakfast but on a non-transient basis. Land use requirements shall follow that of Bed and Breakfast. [118]

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

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

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[129] Added 4-27-2002
[130] Amended 4-30-2005
[131] Added/Amended 4-04-2009
[132] Amended 4-29-2006

Buffer: As applied to section 508.33, an area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesirable views, noise and glare, effectively providing greater privacy to neighboring land uses. Typical buffers include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses. [106]

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

Business/Commercial: The use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods or services except as defined herein. The definition does not include the rental of residential buildings or dwelling units. [133]

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

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

Canopy: The more or less continuous cover formed by tree crowns in a wooded area. [134]

Canopy: As applied to section 508.33, a projection over a niche or doorway, often decorative or decorated; a roof over an accessory structure including but not limited to gasoline pumps and an ATM. [120]

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

Cemetery: Property used for the interring of the dead. Family burying grounds shall not be considered as a cemetery.

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of Chapter 7, Floodplain Management Standards.

Changeable Sign: Changeable Sign shall mean an integral part of a sign designed so as to readily allow the changing of its message either manually or electronically. Signs with changeable copy that utilize a computer generated message, images or is controlled or changed by some other electronic means are included in this definition [135]

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

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

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

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

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

Cluster Subdivision/ Development: A subdivision in which the lot sizes are reduced below those normally required in return for permanent open space.

Code Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce this Code.

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[133] Amended 4-27-2002
[134] Added 4-04-2009
[135] Added 4-07-2012

Collector Street: A street serving at least fifteen (15) lots or dwelling units or street which serve as feeders to arterial streets and collectors of traffic from minor streets.

Column: As applied to section 508.33, a vertical support, usually cylindrical, consisting of a base, shaft and capital, either monolithic or built up of drums the full diameter of the shaft. [120]

Commercial Composting: The processing and sale of more than one-thousand, (1000) cubic yards of compost per year.

Commercial Hazardous Waste Facility: As defined in Title 38, M.R.S.A. Section 1303 (and as amended).

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

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

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

Commercial use (Applicable only in Shoreland Zoning Districts)- the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.[136]

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

Complete Application: An application shall be considered complete upon submission of the required fee, a signed application and all information required by this Code except as validly waived by a vote of the Planning Board to waive the submission of required information that may not be applicable.

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

Confined Feeding Operations: Specialized livestock production enterprises confined beef cattle and hog feeding and poultry and egg farms and **accessory** structures. These operations have large animal populations restricted to small areas.

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

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

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

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

Day Care Facility: A place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of the day providing care and protection for three (3) or more children under thirteen (13) years of age and employs more than one (1) other person not including the owner/operator.

Deck: An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or

[136] Amended 04/06/2013

other independent supports. [137]

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

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

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

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

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

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

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

Disability: Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a psychologist as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

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

Driveway - Shoreland Area: A vehicular access-way less than five hundred (500) feet in length serving two (2) Single-family dwellings or one two-family dwelling, or less. [138]

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

A. Single-family Dwelling: Any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.

B. Two-family/Duplex Dwelling: A structure containing only two (2) dwelling units for occupation by not more than two (2) families.

C. Multi-family Dwelling: A structure containing three (3) or more dwelling units such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, and bathroom facilities. Dwelling units shall include apartments and condominiums but shall not include commercial housekeeping cottages and the like. [139]

Eave: The overhang at the lower edge of the roof, which usually projects out over the exterior walls of the structure. [111]

Elderly/Disabled Housing: A dwelling complex that is occupied by a minimum of ten (10) persons sixty-two (62) years of age or older and/or disabled persons as a residential living environment with other persons sixty-two (62) years of age or older and/or disabled persons.

Elevated Buildings: Means a non-basement building

[137] Added 4-27-2002
[138] Amended 4-04-2009
[139] Amended 9-24-2008

A. Built, in the case of a building in Zones AE or A to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts"; and

B. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one (1) foot above the magnitude of the base flood.

In the case of Zones AE or A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate: An official form (FEMA Form 81-31, as amended) that

A. Is used to verify compliance with the floodplain regulations of the National Flood Insurance Program; and
B. Is required for purchasing flood insurance.

Lots or driveways, and stone patios and pavers within shoreland zone.[140]

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

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

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

Expansion of Use: The addition of one (1) or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Façade: The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.[141]

Family: One (1) or more persons occupying a premise(s) and living as a single housekeeping unit.

Farm Market: A business operated to primarily sell produce and agricultural products along with ancillary food products and utensils used in conjunction with the produce, agricultural products, and other foods.[142]

Farm Stand: A structure with no more than two hundred (200) sq. ft. of floor space with no more than 200 sq. ft. of display area outside the structure primarily for the sale of farm products. Owner may employ two (2) non-related employees. [125]

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

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

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

Flood or Flooding: Means:

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

1. The overflow of inland waters; and
2. The unusual and rapid accumulation or runoff of surface waters from any source.

[140] Added 04/06/2013
[141] Added 4-04-2009
[142] Added/Amended 4-26-2003

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

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

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

Flood Insurance Study: See Flood Elevation Study definition.

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

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

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

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

Floodway: See Regulatory Floodway definition.

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

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

Flow Rate: The speed or rate at which water is taken from a water course or the speed at which it flows past a point (e.g., gallons per minute or hours, cubic feet per second).

Forested Wetlands: Freshwater wetland dominated by woody vegetation that is approximately 19.7 feet (six (6) meters) tall or taller.

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

Formula Restaurant: An eating place that is one of a chain or group of three (3) or more establishments and which satisfies at least two of the following three descriptions:

1. It has the same or similar name, tradename or trademark as others in the chain or group;

2. It offers either of the following characteristics in a style which is distinctive to and standardized among the chain or group: [143]

    1. Exterior design or architecture;
    2. Uniforms, except that a personal identification or simple logo will not render the clothing a uniform;

C. It is a fast food restaurant.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs,

[143] Added 4-04-2009

sills, posts, or frost walls.

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

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

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

A. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

B. Not considered part of a great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.
Freshwater Wetland - Shoreland Zoning: Freshwater swamps, marshes, bogs and similar areas which are:

A. Of ten or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and

B. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

C. This definition does not include forested wetlands.

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

Front of Structure: That portion of a structure that faces a street or if the lot is boarded by more than one (1) street the primary street.

Frontage, Road: The linear distance between the sidelines of a lot measured along the lot line that borders the right-of-way that serves as legal access to the lot. A lot that borders more than one side of a right-of-way shall use the centerline of the right-of-way for frontage measurement with the property's side lines extending perpendicular to the right-of-way's centerline. [144]

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

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

Garage/Lawn/Yard Sales, etc.: The sale of used personal possessions, usually from one's residence, to the general public exclusive of items that usually require a registration and/or excise fee to use them. Sales events are short in duration and few in number in any given twelve-month period. [145]

General Storage Lot: A lot or portions thereof used for the outdoor sale and/or storage of used equipment and materials that covers a total aggregate area of more than four hundred sq. ft. (400 sq ft) of land area and/or piled to a height of more than six feet (6') high. Used equipment and materials include but are not limited to: used plumbing, heating, and electrical supplies; used household appliances and furniture; used lumber; all types of used metals, ropes, rags, batteries, trash, and debris; and plastic, rubber, and rubber-like goods of all types. [128]

[144] Amended 4-30-2005
[145] Added 4-27-2002

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

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Greenhouse/Nursery: See Nursery/Greenhouse definition. [128]

Gravel Pit: See Mineral Extraction definition.

Grocery Store: A business that is primarily for the sale of foods and food products. Building shall be over two thousand (2,000) sq. ft. of gross floor area with no restriction on the number of employees. [146]

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest. [147]

Group Home: A housing facility for more than eight (8) mentally handicapped or developmentally disabled persons which is approved, authorized, certified or licensed by the State. A group home may include a community living facility, foster home or intermediate care facility.

Hazardous Material: Any gaseous, liquid, or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

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

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

Historic Structure: Means any structure that is:

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

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a Registered Historic District or a district preliminarily determined by the Secretary of the Interior to qualify as a Registered Historic District;

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

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) by an approved State program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in states without approved programs.

Home Day Care: A residential structure in which the resident provides child care in his or her own home on a regular basis for three (3) to twelve (12) children, under thirteen (13) years old, who are not his or her own children.

Home Occupation: An occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure. For the purpose of this definition vehicle body shops, vehicle repair and vehicle sales shall not be considered a home occupation.

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

Hotel/Motel: A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its

[146] Added 4-26-2003
[147] Added 4-04-2009

own private bathroom and its own separate entrance leading either to the outdoors or to a common corridors or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Household Chemicals: Chemicals in the type and quantities commonly found in a residence.

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

Impervious Surface Ratio (Applicable only in Shoreland Zoning Districts): A measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces located within the shoreland zone of the lot by the area of the lot in the shoreland zone. Impervious surfaces are all non-vegetated surfaces including, but not limited to, structures, gravel, stone, stone dust or paved parking [148]

Increase in Nonconformity of a Structure: Any change in a structure or property that causes further deviation from the dimensional standard(s) creating the nonconformity. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure.

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

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

Industrial (Applicable only in Shoreland Zoning Districts) - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.[149]

Industrial or Commercial Street: A street serving industrial or commercial uses.

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

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

A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;

B. Discarded, scrap and junked lumber; and

C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material.

Kennel: An establishment in which more than four (4) dogs, four (4) wolf hybrids or four (4) cats are sold, housed, bred, boarded or trained for a fee. This definition shall not apply to dogs, wolf hybrids or cats under the age of six (6) months.

Landscaping: The combination of natural elements such as trees, shrubs, groundcovers, vines, or other organic and inorganic materials, which are installed for purposes of creating an attractive and pleasing environment screening unsightly views, reducing environmental impacts, and filtering matter from air. [150]

Lawn Sale: See Garage Sale definition. [151]

Lighting Fixture: A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to a power supply. [132]

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[148] Amended 04/06/2013
[149] Added 04/06/2013
[150] Added 4-04-2009
[151] Added 4-27-2002

Level of Service: A measure of the quality of the operating conditions within a traffic stream as determined from a capacity analysis, using the methodology described by the Transportation Research Board (TRB), a service of the National Research Council, in its "Highway Capacity Manual," Special Report 209 (1994).

Locally Established Datum: means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used. [152]

Locomotion Device: Any motorized vehicle or other motorized device or any trailer designed or used for the movement of people, animals, plants, goods, or other property from one place to another. Farm implements are exempt. [132]

Locomotion Device Storage Lot: A lot or part thereof that is used for the storage for more than sixty (60) days of more than three (3) automobiles, trucks, and/or other motorized vehicles, as defined in Title 29-A MRSA, Section 101, Subsection 42, or any locomotion device, or parts of such vehicles. These vehicles or devices are exempt providing that their power train, braking systems, and other safety devices are 100% operational, if so originally equipped and, if required for off-premises use, are registered and inspected. These items are also exempt if, when they are not used, they are wholly contained within a structure with solid roof and permanent solid walls around the entire perimeter of the structure. [132]

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

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

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

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

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

A. Front Lot Line: Interior lots: the line separating the lot from a street or right-of-way. Corner lot or through lot; the line separating the lot from either street or right-of-way.

B. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line at least dimension.

C. Side Lot Line: Any lot line other than the front lot line or rear lot line.

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

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

Lot Shorefront: Any lot abutting a body of water.

Lot Through: Any interior lot having frontages on two (2) more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

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

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

[152] Amended 04/06/2013

violation of the applicable non-elevation design requirements of Chapter 707 of this Code.

Manufactured Home Park or Subdivision: Floodplain Management Standards: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.[153]

Manufactured Housing: "Manufactured housing" means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this ordinance, 3 types of manufactured housing are included. They are:

A. Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections, which, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more sq. ft., and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq;

B. Those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein;

C. Those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, which are 8 body feet or more in width and are 32 body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein. [154]

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

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

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

May (Verb)**:** A discretionary action. Action is not mandatory.

Mean Sea Level: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.[155]

Microbrewery - Brew Pub: A restaurant, tavern, or bar that manufactures beer, ale, and the like on the same premises.[156]

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

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

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[153] Added 04/06/2013
[154] Amended 4-30-2005
[155] Amended 04/06/2013
[156] Added/Amended 4-04-2009

Minimum Lot Width: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland area, both lot lines shall be considered the side lot lines. [134]

Minor Development (Floodplain Management): All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for on Chapter 707.10 of this Code, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, depositing or extraction of materials, public or private sewage disposal systems or water supply facilities that no not involve structures; and non structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

Minor Street: A street severing less that fifteen (15) lots or dwelling units.

Mobile Home: Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections, which, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more sq. ft., and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq;

OR

Those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, which are 8 body feet or more in width and are 32 body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein. [157]

Mobile Home Park - Manufactured Housing Community: A parcel of land under unified ownership approved by the Town of Poland Planning Board pursuant to Chapter 6, Subdivision Standards, for the placement of three (3) or more manufactured housing as it is defined in section A. & C. [134]

Mobile Home Park - Manufactured Housing Community Lot: Mobile home park lot means the area of land on which an individual Manufactured housing as it is defined in section A & C is situated within a mobile home park and which is reserved for use by the occupants of that home.

Modular Home: See Manufactured Housing definition B.

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

Native: Indigenous to local forests. [134]

Neighborhood "Convenience" Stores: A store of less than two thousand (2,000) sq. ft. of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items. [158]

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

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

New Construction: Means structures for which the "start of construction" commenced on or after the effective date of the Floodplain Management Regulations adopted by the municipality.

Nonconforming Condition: Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Code or subsequent amendment took effect. [138]

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[157] Amended 4-30-2005
[158] Amended 4-26-2003

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

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

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

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

Non-inhabited Accessory Structure: A structure that is incidental and subordinate to the principal use or structure that is not considered a dwelling unit.

Normal High-water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and Great Ponds, the normal high-water line is the upland edge of the wetlands and not the edge of the open water.

North American Vertical Datum (NAVD): means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earths crust, glacial rebound, and subsidence and the increasing use of satellite technology.[159]

Nursery/Greenhouse: Structure(s) used to raise seedlings, flowers, plants, shrubs, or trees for sale to the general public from that structure(s).[160]

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

Ownership - Same (in reference to parcels of land): Two or more separately deeded parcels of land in which the owner(s) of one parcel are the identical owners of the other parcel(s) of land.

Ownership - Common (in reference to parcels of land): [161]

Parapet: The portion of a wall that extends above the roofline. [138]

Passive Recreation: Activities that do not use mechanical equipment as the primary recreation activity such as, but not limited to, cross country skiing, walking and hiking.

Patio: An exterior floor system that may be contiguous to another structure but is wholly supported on its own by the ground beneath it. [137]

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

Pedestrian walkway: A surfaced walkway, separate from the traveled portion of a public or private right-of-way, parking lot or driving aisle. [138]

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

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

Personal Service Establishment: Personal Service Establishment shall mean any establishment that primarily provides services generally involving the care of a person or a person's apparel which shall include but shall not be

[159] Added 04/06/2013
[160] Amended/Added 4-27-2002
[161] Removed/Added/Amended 4-4-2009

limited to barber shops, beauty salons, seamstress shops, shoe repair and shining shops, coin operated laundry, optician shops, tanning salons, tattoo parlors, health clubs, diet centers, and nail salons.[162]

Pet Care Facility: An establishment where pets can remain for care for the day but shall have no overnight boarding or breeding at such facility.[163]

Pet Store: An establishment where common household pets and supplies are sold. Animals shall not be bred, trained, or boarded at the establishment. [138]

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

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

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

Pitch: The slope of a roof commonly expressed in terms of inches of vertical rise per foot of horizontal run. [164]

Planned Residential Development: A comprehensive residential development consisting of single-family and two-family dwellings together with accessory uses and structures in which some of the requirements of the Comprehensive Land Use Code may be varied to permit design flexibility, building clustering, grouping of open space, increased density and alternatives to public facility improvements. [165]

Planning Board: The Planning Board of the Town of Poland.

Portable Sign: A sign that is designed for and intended to be moved from place to place and not be permanently affixed to land, buildings or other structures.

Portico: A porch or walkway with a roof supported by columns, often leading to the entrance to a building. [139]

Practical Difficulty: Means that the strict application of Chapter 5, Land Zoning, to the property precludes the ability of the petitioner to pursue a use permitted in the Zoning District in which the property is located and results in a significant economic injury to the petitioner.

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

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

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

Private Street or Privately-Owned Street: A street that is not intended to be dedicated as a public street, town way or public way.

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

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

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

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

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish natural

[162] Added 4.07.2012
[163] Added 4.7.2012
[164] Added 4-04-2009
[165] Added 9-24-2008

gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Quarry: A place where stone is excavated from rock including drilling and blasting.

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

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

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

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

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

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, built on a single chassis, four hundred (400) sq. ft. or less when measured at the largest horizontal projection, not including slide outs, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Regulatory Floodway - Means:

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

B. When not designated on the community's flood insurance rate map or flood boundary and floodway map, it is considered to be the channel or a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

Replacement System: A wastewater system intended to replace:

A. An existing wastewater system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or

B. Any existing overboard wastewater discharge.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family. The term shall include mobile homes, but not recreational vehicles.

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

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

Reverse Frontage Street: A street which provides residential frontage other than on a through traffic street.

Right-of-Way: All public or private roads and streets, Federal and State highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.
Riprap: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: A free-flowing body of water including its associated flood plain wetlands from that point at which it provides

drainage for a watershed of twenty-five (25) square miles to its mouth.

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

Road: See Street definition.

Road - Shoreland Area: For the purpose of the performance standards of Chapter 508.27 of this Code, a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. This definition is intended to expand the applicability of the performance standards applicable to the shoreland area and not to change the road frontage requirements under Chapter 507 of this Code or to permit substandard roads to be used to meet frontage requirements.

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

Sand and Gravel Pit: See Mineral Extraction definition.

Scale: As applied to section 508.33, the size or proportion of a building element or space relative to the structural or functional dimension of the human body. [142]

Screen: As applied to section 508.33, the sole purpose of a screen is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views. See also Buffer. [142]

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven (7) months of the year and not the principal residence of the owner.

Service Business: Establishments engaged in providing services for individuals such as advertising and equipment leasing.

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

A. In the case of electric service

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

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

B. In the case of telephone service

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

   OR

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

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

Setback from Normal High-Water Line or Upland Edge: The nearest horizontal distance from the normal high-water line of a water body, or upland edge of a wetland, to the nearest part of a structure including but not limited to decks, porches, steps, roof overhangs, railings, roads, driveways, parking spaces or other impervious surfaces or areas.[166]

Shall (Verb)**:** A mandatory action. An action must be performed to get the required results needed.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing fifteen thousand (15,000) sq. ft. or more of gross floor space.

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

[166] Amended 04/06/2013

Shoreland Area: The land area located within two-hundred fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river or a stream as depicted on the Official Land Zoning District Map as Resource Protection or Stream Protection 2; within seventy-five (75) feet of other streams; or within two hundred-fifty (250) feet of the upland edge of a freshwater wetlands.

Shoreline: The normal high-water line, or upland edge of a fresh water wetland. [167]

Sign: Any structure, device, letter, banner, symbol or other representation which is used as, or is in the nature of an advertisement, announcement, or direction; which is erected, assembled, affixed out of doors, painted or displayed on the exterior of a building or structure and which is visible from a public way. "Visible from a public way" means capable of being seen without visual aid by a person of normal visual acuity, from a way designated for vehicular use and maintained with public funds.

Sign Area: The area of a sign shall equal the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders, but not including structural supports of the sign. Any double faced sign area is only calculated on one face. A wall sign's area shall be based on the area of a freestanding sign as calculated above that would be required to accommodate the same features, or in the case of individual graphics added to walls, or other architectural features of a building, the sum of the areas of each of the graphic elements displayed.

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

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

Skid Trail: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation. [144]

Slash: The residue, e.g., treetops and branches, left on the ground after a timber harvest. [144]

Special Flood Hazard Area: see Area of Special Flood Hazard.[168]

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

Storage Structure; Portable and/or Mobile: Any commercial trailer or a container box that is carried to the site on a commercial trailer (also known as piggyback containers) that is registered and has an inspection sticker, if normally required, or any other similar type of structure that was a commercial trailer, part of a commercial trailer, or other commercial vehicle whether motorized or not, and used to store equipment, supplies, animals, and/or materials on a parcel of land that is under one common ownership. [169]

Storefront: The traditional "main street" facade bound by a structural pier on either side, the sidewalk on the bottom and the lower edge of the upper facade at the top. [143]

Store - Retail: A place where goods are deposited to be purchased or sold to the general public as the ultimate consumer.

Stream - Shoreland Area: A free-flowing body of water from the outlet of a great pond or the confluence of two (2)

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[167] Added 4-04-2009
[168] Added 04/06/2013
[169] Added 4-26-2003
[153] Added 4-2-2011

perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the Shoreland Zone or any streams rated as high value fisheries habitat by the Town of Poland's Comprehensive Plan.[170]

Stream, River or Brook: River, stream or brook means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.

B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

C. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.

E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation. River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Street: A public or privately maintained way such as an avenue, highway or road.

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

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located including membrane structures, decks, patios and satellite dishes. [171]

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

Subdivision: The division of a tract or parcel of land into three or more lots as defined by State law and in additional shall include developments where there are three or more units involved such as mobile home parks, multi-family dwellings, apartment houses, planned residential developments, mini malls, shopping plazas, business complexes, condominiums, shopping centers and industrial parks. [172]

Subdivision, Major: A subdivision containing more than four (4) lots or dwelling units, or units in a shopping center or similar commercial establishment or any subdivision containing a proposed street.

Subdivision, Minor: A subdivision containing not more than four (4) lots or dwelling units, or units in a shopping center or similar commercial establishment.

Substantial Completion: Is the completion of work to the point where an occupancy permit can be issued.

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

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

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety Code specifications which have been identified by the local Code enforcement official and which are the minimum

[170] Amended 04/06/2013
[171] Amended 4-04-2009
[172] Amended 9-24-2008

necessary to assure safe living conditions; or

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

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

Subsurface (Wastewater) Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

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

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

Texture: The visual and tactile quality of a surface apart from its color and form. A building texture refers to the variations in the exterior facade and may be described in terms of roughness of the surface material, the patterns inherent in the material or the patterns in which the material is placed. [173]

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland zone on a lot that has less than two (2) acres within the Shoreland zone shall not be considered timber harvesting. [147]

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

Tributary Stream - Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. [174]

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

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

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

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

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

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

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

Upland Edge of a Wetland: The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where

[173] Added/Amended 4-04-2009
[174] Amended 4.07.2012

the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot tall or taller). [147]

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

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

Vegetation: All live trees, shrubs, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4½ feet above ground level. [147]

Vehicles - Body Shop: A business establishment engaged in body, frame or fender straightening and repair or painting and undercoating of motor vehicles.
Vehicles - Repair: A business establishment engaged in the maintenance, serving and/or repair of motor vehicles.

Vehicles - Sales: A business establishment that displays and sells motor vehicles including vehicle preparation or repair work conducted as an accessory use; the sale of more than three (3) motor vehicles. [175]

Vehicles - Service Station: A business establishment used for the retail dispensing or sales of motor vehicle fuels and may include the serving and repair of motor vehicles.

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

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

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

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

Water Body: Any great pond, river, or stream.

Water Crossing: Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities. [149]

Wetland: A freshwater wetlands.

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

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

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

Woody Vegetation: Live trees or woody, non-herbaceous shrubs. [176]

Yard Sale: See Garage Sale definition. [177]

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[175] Amended 4-27-2002
[176] Added 4-04-2009
[177] Added 4-27-2002

End of Chapter 14

END OF ORDINANCE