

Land Use and Shoreland Zoning Ordinance of the
Town of Beddington, Maine.

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LAND USE AND SHORELAND ZONING ORDINANCE OF THE
TOWN OF BEDDINGTON, MAINE

1. **Purposes.** The purpose of this Ordinance is to guide public and private land use decisions in accordance with State law and the wishes of the citizens of Beddington, Maine, to preserve and protect the rural character of the town; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; to anticipate and respond to the impacts of development; to facilitate the economic and social way of life while preserving our strong natural resources economy; to promote public health, safety, and general community well-being; and to implement to Town's Comprehensive Plan.
2. **Authority.** This Ordinance has been adopted pursuant to Article VII-A of the Maine Constitution, Title 30-A of the Maine Revised Statutes Annotated (M.R.S.A.) Section 3001-3009-A, Title 30-A M.R.S.A Section 4312-4360, and Title 38 M.R.S.A. Sections 435-449.
3. **Applicability.** This Ordinance applies to all land areas within the town limits of Beddington, Maine, including all land areas within 250 feet, horizontal distance, of the
 - normal high-water line of any great pond, river or,
 - upland edge of a freshwater wetland, andall land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

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

4. **Effective Date of Ordinance and Ordinance Amendments.** The effective date of this Ordinance shall be October 5, 1992 for the districts and standards affecting the shoreland zone and the date of adoption by the legislative body for the districts and standards affecting areas outside of the shoreland zone. Standards relating to the shoreland zone shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of its receipt of the Ordinance, or Ordinance Amendment, it shall be deemed approved.

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

A. 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-A(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-A(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Item 3 (Forest management activities except for timber harvesting), Item 4 (Timber harvesting), and Item 28 (Land management roads);
- Section 16. X. in its entirety; and

- Section 17. Definitions, the definitions of “forest management activities”, “residual basal area”, “skid road or skid trail”, and “slash”.
- 5. Availability.** A certified copy of the Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be available for inspection at the Town Office. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
- 6. Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.
- 7. Conflict with other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
- 8. Amendments.**
- A. Initiation of amendment.** An amendment to these Standards may be initiated by:
1. the Planning Board provided a majority of the Board has so voted;
 2. request of the Municipal Officers to the Planning Board; or
 3. written petition of the greater of :
 - a number of voters equal to at least 10% of the number of votes cast in the Municipality at the last gubernatorial election or,
 - 10 voters.
- B. Adoption of amendment.** An amendment to these Standards may be adopted by a majority vote of the Legislative Body.
- C. Public Hearing.** The Planning Board shall hold a public hearing on the proposed amendment. Notice of the public hearing shall be posted in the Town Office at least fourteen (14) days prior to the public hearing and be published at least two (2) times in a paper having general circulation in Beddington, and the date of the first publication shall be at least fourteen (14) days prior to the hearing, and the second publication shall be at least seven (7) days prior to the hearing. In addition, the provision of Title 30-A, M.R.S.A. Section 4352.10 and Title 38 M.R.S.A. Section 438-A.1.B shall be complied with.
- D. Copies.** Copies of amendments within the shoreland zone, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner 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.
- 9. Land Use and Shoreland Zoning Districts Map.**
- A. Official Land Use District and Shoreland Zoning Map.** The areas to which this Ordinance applies are hereby divided into the following districts as shown on the Official Land Use District and Shoreland Zoning Map, dated _____, 2008, which is made part of this Ordinance:

1. Resource Protection (RP)	5. Rural Agricultural Residential (RAR)
2. Stream Protection (SP)	6. Public/Civic Services (PCS)
3. Lakeside Limited Residential (LLR)	7. Conservation (C)
4. Headwaters Limited Residential (HLR)	

B. Scale of Map. The Official Land Use District and Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map. The scale of the Official Land Use Map does not allow the exact location of that zone and its subdistricts to be accurately shown. Therefore their boundaries must be determined from the measured distances from the indicated features.

C. Certification of Official Land Use District and Shoreland Zoning Map - The Official Land Use District and Shoreland Zoning Map shall be certified by the attested signature of the Beddington Town Clerk and shall be located in the Beddington Town office.

D. Changes to the Official Land Use District and Shoreland Zoning Map - If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Land Use District and Shoreland Zoning Map, such changes shall be made on the Official Land Use District and Shoreland Zoning Map within forty-five days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

E. Availability - A certified copy of this Ordinance and Map, shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies will be made available to the public for a reasonable cost, at the expense of the person making the request.

10. Interpretation of District Boundaries - Unless otherwise set forth on the Official Land Use District and Shoreland Zoning Map of Beddington, Maine, district boundary lines are property lines, the center-lines of streets, roads, and rights-of-way, and the boundaries of the shoreland zones as defined or dimensioned herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

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 these Standards, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot.

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

12. Non-conformance.

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

- (1) Transfer of Ownership. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- (2) Repair and Maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

- (1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.
 - a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
 - b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- (2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

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

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

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

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

- (3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. 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 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

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

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

D. Non-conforming Uses

- (1) **Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.
- (2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

- (1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

- (3) **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no

principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

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

- a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- b. Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts. For the purposes of this Ordinance, the Town is hereby divided into the following districts:

A. 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 need not be included within the Resource Protection District.

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
- (2) 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.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (4) 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.
- (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Stream Protection District. 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 wetland. 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.

- C. Lakeside Limited Residential District.** The Lakeside Limited Residential District includes those areas suitable for residential and recreational development. Within the jurisdiction of Shoreland Zoning it includes areas other than those in the Resource Protection District, or Stream Protection District or the Headwaters Residential District. It extends upland of the jurisdiction of Shoreland Zoning to increase the minimum lot sizes around Pleasant River Lake and Beddington Lake to 200,000 square feet (approximately 5 acres) as directed by the Comprehensive Plan of the Town of Beddington.

- D. Headwaters Limited Residential District.** The Headwaters Limited Residential District includes those areas suitable for residential and recreational development. Within the jurisdiction of Shoreland Zoning it includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Lakeside Limited Residential District. It extends upland of the jurisdiction of Shoreland Zoning to increase the minimum lot sizes around Spruce Mountain Lake and Southwest Pond and other headwater ponds to 840,000 square feet (approximately 21 acres) as directed by the Comprehensive Plan of the Town of Beddington.

- E. Rural Agricultural Residential.** The Rural Agricultural District includes those areas appropriate for agricultural and forestry uses and for single family residential dwellings and limited business, commercial and industrial uses with larger lot sizes.

- F. Public/Civic Services.** The Public/Civic Services District includes areas of existing concentrations of municipal services in support of town government and community gathering as well as gravel extraction, commercial, industrial uses and storage for transportation maintenance.

- G. Conservation.** The Conservation District includes areas in which development would be detrimental to critical habitats and the endangered Atlantic salmon.

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses, shall conform with all the applicable Performance Standards in Section 16. The district designation for a particular site shall be determined from the Official Land Use Districts and Shoreland Zoning Map.

Key to Table 1:

- Yes - Allowed (no permit required but the use must comply with all applicable land use standards)
- No - Prohibited
- PB - Allowed with permit issued by the Planning Board.
- CEO - Allowed with permit issued by the Code Enforcement Officer
- LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection	RAR - Agricultural Residential
SP - Stream Protection	PCS - Public/Civic Services
LLR - Lakeside Limited Residential	C - Conservation
HLR - Headwaters Limited Residential	

TABLE 1. LAND USES

<u>LAND USES</u>	<u>DISTRICT</u>						
	<u>SP</u>	<u>RP</u>	<u>LLR</u>	<u>HLR</u>	<u>RAR</u>	<u>PCS</u>	<u>C</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	CEO	CEO	CEO	CEO	yes	yes	CEO
4. Timber harvesting	CEO	CEO	CEO	CEO	yes	yes	CEO
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO	CEO	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB	PB	PB ³
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	PB	PB	no	PB
15. Principal structures and uses							
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO	CEO	CEO	CEO	PB
B. Multi-unit residential	no	no	no	no	PB	PB	No
C. Mobile Home Parks	no	no	no	no	PB	No	No
D. Commercial	no	no ¹⁰	no ¹⁰	No	PB	PB	PB
E. Industrial	no	no	no	No	PB	PB	No
F. Governmental and institutional	no	no	PB	PB	PB	PB	PB
G. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	PB	PB	PB	PB	PB
16. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO	CEO	CEO	CEO
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland							
a. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
b. Permanent	PB	PB	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI/ CEO	LPI/ CEO	LPI/ CEO	LPI/ CEO	LPI/ CEO	LPI/ CEO	LPI/ CEO
19. Home occupations	PB	PB	PB	PB	PB	PB	PB
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services							
A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	yes ¹²	CEO	yes ¹²	CEO	CEO ⁶
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	PB	PB	PB	PB ⁶
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB	PB	PB	PB ⁶
D. Other essential services	PB ⁶	PB ⁶	PB	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	PB	PB	PB	PB
24. Recreational Facility							
A. Commercial	no	no	no	no	PB	PB	No
B. Parks and Recreation	no	no	PB	PB	PB	PB	PB
25. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO	CEO
26. Campgrounds	no	no ⁷	PB	PB	PB	PB	no ⁷
27. Road construction	PB	no ⁸	PB	PB	PB	PB	no ⁸
28. Land management roads	yes	PB	yes	yes	yes	yes	yes
29. Parking facilities	no	no ⁷	PB	PB	PB	PB	no ⁷
30. Marinas	no	no	No	No	no	no	No
31. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	Yes	yes	yes	yes
32. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO	PB
33. Signs	yes	yes	yes	Yes	yes	yes	yes
34. Small Wind Electrical Generation Facilities	no	no	CEO ¹³ /PB	CEO ¹³ /PB	CEO ¹³ /PB	CEO ¹³ /PB	CEO ¹³ /PB
35. Wireless communications facilities	no	no	no	PB	no	PB	No
36. Waste Disposal Facilities	no	no	no	no	no	PB	no
37. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO
38. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO
39. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB	PB

¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

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²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³In RP and C not allowed in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵Functionally water-dependent uses and uses accessory to such water dependent uses only

⁶See further restrictions in Section 16. G.

⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁸Except as provided in Section 16. V.

⁹Single family residential structures may be allowed by special exception only according to the provisions of Section 17(E), Special Exceptions. Two-family residential structures are prohibited.

¹⁰Except for commercial uses otherwise listed in this Table, such as campgrounds, that are allowed in the respective district.

¹¹Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹²Permit not required but must file a written "notice of intent to construct" with CEO.

¹³ Permit for small wind electrical generation facility less than 60 feet tall requires permit from COE and if greater than 60 feet requires permit from Planning Board.

NOTE: A person proposing any of the following activities requires a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them, and shall obtain that permit before applying for a permit under this ordinance:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

B. Draining or otherwise dewatering;

C. Filling, including adding sand or other material to a sand dune; or

D. Any construction or alteration of any permanent structure.

15. Dimensional Requirements. All land use activities within the Town of Beddington, Maine shall conform to the following applicable land use standards[Additional and more restrictive land use standards for the Shoreland Zone are in following sections.]:

A. **Minimum Lot Standards.** Lots in each District shall meet or exceed the following minimum standards (variations in bulk and space standards may be allowed by Section 16 of this Ordinance). After the effective date of this Ordinance, no lot shall be created or reduced below the minimum standards unless allowed by other provisions of this Ordinance.

- (1) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- (2) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (3) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (4) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
- (5) **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 these Standards.
- (6) **Garages, Accessory Structures:** No garage or other accessory building shall be located in the required setbacks except as allowed below. When located to the rear or side of the principal building, accessory buildings no larger than 100 sq.ft. in floor area may be located within the required side or rear setbacks provided that no such structure shall be located less than 6 feet from a side or rear lot line.
- (7) **Duplexes:** Lots for duplexes shall require a minimum of 150 percent of the lot size and road frontage requirements for a single-family home in the district except in the shoreland zone where the requirements for two single family dwellings shall be met.
- (8) **Multi-family development:** Lot sizes for multi-family development shall comply with the requirements contained in the Minimum Lot Size Law (Title 12 M.R.S.A. Section 4807 et. Seq. Street frontage shall be a minimum of 150 percent the required for a single-family home in the District except in the shoreland zone.

(9) Table 2. Dimensional Requirements. The table appearing below is a part of these Standards and sets forth the minimum coverage, setback and frontage requirements that must be observed in all districts.

TABLE 2. DIMENSIONAL REQUIREMENTS

District	Minimum Lot Size/ Density 1 acre = 43,560 sq. ft.	Minimum Road Frontage ¹	Minimum Shore Frontage	Minimum Front Setback ²	Shoreland Zone Minimum Setback ³	Minimum Side Setback	Minimum Rear Setback	Maximum Lot Coverage ⁴ (%)	Maximum Structure Height ⁵
Rural Agricultural Residential	160,000 Sq. ft.	250 ft.	n/a	75 ft.	n/a	20 ft.	20 ft.	30%	35 ft.
Public/Civic Services	80,000/160,000 ⁶ sq. ft.	250 ft.	n/a	75 ft.	n/a	10 ft.	10 ft.	50%	35 ft.
Conservation	400,000 sq. ft.	250 ft.	n/a	25 ft.	n/a	10 ft.	10 ft.	5%	35 ft.
Lakeside Limited Residential	200,000 sq. ft.	250 ft.	400 ft.	25 ft.	130 ft.	20 ft.	20 ft.	20%	22/30 ft.
Headwaters Limited Residential	840,000 sq. ft.	250 ft.	400 ft.	25 ft.	130 ft.	20 ft.	20 ft.	20%	22/30 ft.
Stream Protection	Overlay on HLR	250 ft.	400 ft.	25 ft.	75 ft.	20 ft.	20 ft.	20%	22/30 ft.
Resource Protection	Overlay on LLR and HLR	250 ft.	400 ft.	25 ft.	130 ft.	20 ft.	20 ft.	20%	22/30 ft.

NOTES IN FOOTNOTES:

1 Measured from the center line of the travelway. (The width of the Route 193 Right-of-way varies, documentation shall be provided by the Maine Department of Transportation to determine the exact right-of-way width.)

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

3 Setback begins at the normal highwater line, or in case of wetlands the upland edge of the non-forested wetland. Minimum setback is as noted in the table except it is 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,

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

5 Maximum structure height within the shoreland zone is 22 feet above the foundation, not to exceed 30 feet as Height of a Structure is defined in Section 17. Definitions. Maximum structure height outside of the shoreland zone is 35 feet. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

6 Minimum lot size for publicly owned lots is 80,000 sq. ft. and for privately owned lots is 160,000 sq. ft.

16. Performance Standards. Within the Town of Beddington, Maine, all land use activities shall conform to the applicable land use standards in Sections 16(A)-(R) and additionally in the shoreland zone shall conform to the applicable land use standards in Sections 16(S-CC).

A. Backlots/Residential: Backlots may be developed for single-family use if they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions:

- (1) If a backlot is accessible only by legally enforceable right-of-way, it may be used if the following conditions are met:
 - a. The right of way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the backlot and be a minimum of 50 feet in width.
 - b. A legal description of the right-of-way by metes and bounds shall be attached to any Building Permit Application for construction on the backlot.
 - c. The right-of-way deed or other legal instrument must be recorded in the Washington County Registry of Deeds before a Building Permit is issued.
 - d. Creation of the 50 foot right-of-way in fee interest to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, or if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may be counted toward meeting road frontage requirements for the front lot.
 - e. The right-of-way may serve only one single-family dwelling unless the following provisions are met:
 - i. The right-of-way may serve two single-family dwellings if a driveway meets the standards contained in Section IX (Road Design and Construction Standards) of the Interim Subdivision Standards for the Town of Beddington and subsequent revisions thereto.
 - ii. The right-of-way may serve more than two dwellings provided the applicable provisions for road construction standards of Section IX (Road Design and Construction Standards) of the Interim Subdivision Standards for the Town of Beddington and subsequent revisions thereto are met.
 - f. No more than one right-of-way for backlot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least 150 feet of frontage on a public or privately owned road frontage, and the center lines of the right-of-way entrances are at least 200 feet apart.
 - g. Backlots legally recorded on or before the effective date of these Standards served by a deeded right-of-way legally recorded on or before the effective date of these Standards shall be exempt from the minimum right-of-way requirements.
 - h. The shortest distance between the backlot and street shall be at least 200 feet.

B. Access to Property: Each dwelling, commercial, industrial, educational, institutional, or public structure shall be provided with vehicular access to the property.

C. Individual Private Campsites: Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the shoreland zone and 10,000 square feet of lot area outside the shoreland zone, whichever is less, may be allowed.
- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall meet set back requirements for that district.
- (3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (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) No recreational vehicle, tent or similar shelter shall be inhabited on-site for more than one hundred and twenty (120) days per year, unless all requirements for residential structures are met, including lot size and the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

D. Signs: The following provisions shall govern the use of signs.

- (1) Signs in the Public/Civic Services and Rural Agricultural Residential Districts shall comply with the following:
 - a. Signs and billboards relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed 16 square feet in area per sign and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
 - b. Signs shall be illuminated only by shielded, non-flashing lights.
 - c. No sign shall extend higher than ten (10) feet above the ground.
- (2) Signs located in the Resource Protection, Stream Protection, Conservation, Lakeside Limited Residential, and Headwater Limited Residential Districts shall comply with the following:
 - a. Signs and billboards relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not sold on the premises shall be prohibited.
 - b. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in aggregate.
 - c. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
 - d. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
 - e. Signs relating to public safety shall be allowed without restriction.
 - f. No sign shall extend higher than ten (10) feet above the ground.
 - g. Signs may be illuminated only by shielded, downward directed, non-flashing lights.

E. 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 predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

F. Septic Waste Disposal: All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules), and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than one hundred (100) feet, horizontal distance, from the normal high-water line of a water body or seventy-five (75) feet, horizontal distance, from the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

G. 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 allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit

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

NOTE: This includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Section 19. Borrow pits outside the shoreland zone not otherwise within the jurisdiction of the Department of Environmental Protection, under Title 38, chapter 3, subchapter I, article 61 shall comply with the provisions of Title 30-A M.R.S.A. Section 3105 and shall not require Site Plan Review.

Mineral extraction may be permitted under the following conditions with a Site Plan Review Approval from the Planning Board:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 16.H. (4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than (100) feet, horizontal distance, and screened from the river by existing vegetation.
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- b. The final graded slope shall be two to one (2:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

I. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or rip-rap.
- (2) 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.
- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

J. 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 waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage

conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

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

L. Campgrounds: Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

- (1) Recreational vehicle and tenting areas containing approved water carried sewage facilities shall meet the following criteria:
 - a. Each recreational vehicle, tent or shelter site shall contain a minimum of 5,000 square feet in the shoreland zone (and 2500 square feet of suitable land in inland areas) not including roads and driveways. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
 - b. A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent or shelter site.
 - c. Each recreational vehicle, tent or shelter site shall be provided with a picnic table, trash receptacle and fireplace/ring. The park management shall dispose of refuse from said containers by transporting the refuse to an approved disposal area/receptacle at least once every three days.
 - d. No trailers other than recreational vehicles or utility trailers as defined herein, 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. A time limit is placed on the occupancy of any one camping space on a continuing basis as follows: Twelve weeks for the period May 15 to September 15 of each year, and two weeks for all other times. Only camping units such as defined herein (plus a towing vehicle), shall be allowed within any campground, temporary or otherwise.
 - e. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State of Maine Plumbing Code Rules. There shall be at least one toilet and lavatory provided for each sex for every ten tent sites. All recreational vehicle sites equipped with water and sewage hook-ups shall comply with State of Maine Plumbing Code Rules.
 - f. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24 hour emergency communication service (e.g. telephones) shall be provided.
 - g. Each campsite shall be provided with a masonry or metal fireplace, approved in writing by the Fire Chief.

- (2) Wilderness recreational areas without water-carried sewage facilities shall contain a minimum of 20,000 square feet not including roads and driveways, for each recreational vehicle, tent or shelter site. In the shoreland zone land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
 - a. Each recreational vehicle, tent or shelter site shall be provided with a fireplace/ring, approved in writing by the Fire Chief.
- (3) The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings, shall be set back a minimum of 50 feet from the exterior lot lines of the camping area and 130 feet from the normal high water elevation of any water body or upland edge of a freshwater wetland.
- (4) All campgrounds shall be screened from adjacent land areas by a continuous landscaped area not less than 25 feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than six feet in height.

M. Home Occupation: A home occupation shall be permitted if it complies with all of the requirements of this section. This section **does not apply** to building tradesman doing business out of their home, unless employees gather or meet at the home, there is delivery or storage of materials at the home, or there are vehicles with more than 3 axles parked at the home.

- (1) Home occupation shall be carried on wholly within the principal building or within buildings or other structures accessory to it.
- (2) There shall be no exterior display or exterior storage of materials incidental to the home occupation covering greater than 100 square feet of the property and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- (3) The sale of products shall be limited to those which are grown, raised, crafted, assembled, repaired or substantially altered on the premises. Incidental sales of items which are accessory and incidental to a service, which is provided on the premises, may be allowed, such as hair products from a beauty salon for example.
- (4) One non-illuminated sign, no larger than four square feet may be erected on the premises, except in the shoreland zone where the provisions of Section 16. D. shall apply.
- (5) No nuisance, waste, discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation shall be generated.
- (6) A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 40 vehicle trips/day.

N. Off-Street Parking and Loading Requirements: The following provisions shall apply to all districts outside of the shoreland zoning jurisdiction as depicted on the Official Land Use and Shoreland Zoning Map. (Parking areas within the shoreland zone are subject to the requirements of Section 16. U.):

- (1) **Basic Requirements:** In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged which would require additional parking unless there is provided for such extension,

construction or enlargement, off-street automobile parking space within 300 feet of the principal building, structure, or use of the premises, in accordance with the following schedule of parking requirements. An area of 200 sq.ft. appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space. No required parking space shall, for the purposes of this Ordinance, serve more than one use. No off-street parking facility shall have more than two entrances and exits on the same street, and no entrance or exit shall exceed 26 feet in width. Parking areas with more than two parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street.

- (2) Schedule of Minimum Off-Street Parking Requirements
 - a. Two spaces per dwelling unit;
 - b. One space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel;
 - c. One space for each recreational vehicle, tent or shelter site in a campground;
 - d. One space for each two beds in a hospital or sanitarium;
 - e. One space for each four beds for other institutions devoted to the board, care or treatment of persons;
 - f. One space for each 150 sq.ft. or fraction thereof, of floor area of any retail, wholesale or service establishment or office or professional building;
 - g. One space for each three seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly;
 - h. One space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses;
 - i. Adequate spaces shall be provided to accommodate customers, patrons and employees at automobile service stations, drive-in establishments, open air retail businesses and amusements and other permitted uses not specifically enumerated.
- (3) Off-Street Loading: In any District where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.
- (4) Landscaping: Required parking and loading spaces for non-residential uses, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than four feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof forming a visual barrier not less than six feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

O. Conversion of a Seasonal Dwelling to Year-Round Dwelling: Before a seasonal dwelling is converted to a year-round or principal dwelling, a Conversion Permit shall be issued by the Local Plumbing Inspector and Code Enforcement Officer in accordance with the following.

- (1) A conversion permit issued by the Code Enforcement Officer of the town of Beddington must verify all of the following to the Local Plumbing Inspector:
 - a) A subsurface waste water disposal application, completed after July 1, 1974, exists indicating that the dwelling's waste water disposal system substantially complies with the Department of Human Services rules and applicable municipal ordinances

- provided that the disposal system was installed with the required permit and certificate of approval;
- b) A replacement for an existing wastewater disposal system has been constructed so that it substantially complies with departmental rules and applicable municipal ordinances.
- (2) A conversion permit issued by the Code Enforcement Officer of the town of Beddington must verify all of the following:
- a) Off-street parking shall be provided.
 - b) When the dwelling will be served by a non-accepted right-of-way not maintained by the Town of Beddington or State of Maine, the following shall be required.
 - c) A copy of the deed or other legal instrument which grants use of the right-of-way and the description of the right-of-way;
 - d) An agreement between those who share use of the right-of-way which sets forth adequate maintenance provision for the right-of-way;
 - e) The names and addresses of all others granted use of the right-of-way.
 - f) A statement in recordable form signed by the applicant that the conversion will be accessed by the unaccepted right-of-way, and that those persons owning property on the unaccepted right-of-way shall continue to assume responsibility for maintaining and plowing the access road and that, because the private access road is not constructed to town street standards, the travel of personal, service, emergency and maintenance vehicles over the access road may be hindered. Nothing contained within shall be construed as requiring the Town to provide additional services to properties on unaccepted rights-of-way not already receiving those services or to accept such rights-of-way as public streets.

P. Apartment Conversion

- (1) The purpose of these standards is to provide less expensive rental units to the housing supply and to protect property values and traditional characteristics.
- (2) The conversion of an existing residence outside the shoreland zone which otherwise would not meet the dimensional requirements and/or parking requirements for duplex housing may be allowed with a permit from the Code Enforcement Officer, provided the following are met:
 - a) Such conversion shall not create more than two dwelling units in a structure.
 - 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) Adequate off-street parking shall be provided.
 - d) Subsurface sewage disposal shall comply with all the provisions of the State of Maine Subsurface Wastewater Disposal Rules.
- (3) All changes of use in any shoreland zone must comply with Section 12(D) of this ordinance.

Q. Mobile Home Park Lot Standards

- (1) Sub-division Approval Required. All mobile home park lots shall obtain sub-division approval from the Beddington Planning Board. Each lot shall be occupied by only one unit of manufactured housing or by one older mobile home. Each unit shall be placed on a reinforced concrete pad.
- (2) Lot Requirements.

Lots Served by Subsurface Wastewater Disposal System	
Minimum Lot Area	20,000 Square Feet
Minimum Lot Width	60 Feet
Lots Served by Centralized Subsurface Wastewater System Serving Two or More Dwelling Units Approved by the Maine Department of Human Services	
Minimum Lot Area	12,000 Square Feet
Minimum Lot Width	75 Feet
Lots Served by the Public Sewer System	
Minimum Lot Area	6,500 Feet
Minimum Lot Width	50 Feet

- (3) Setbacks. The setback requirements of the district in which a mobile home park is located may be reduced up to 50% or the minimum amount necessary to accommodate the minimum lot standards set forth in Subsection 16. Q. (2), except that mobile homes on lots adjacent to a public road shall be set back according to the requirements applicable to other residential developments in the district.
- (4) Buffer Requirements. All mobile home parks shall be designed with a fifty (50) foot wide buffer strip along the perimeter boundaries of that property. The buffer strip shall be maintained as a landscaped area, containing no structures. Roads may cross the buffer strip to provide access to the park and to provide access to utilities. Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view from the adjacent property and shall be maintained throughout the life of the project.
- (5) Open Space Reservation. For mobile home parks served by a public sewer system, an area equaling ten (10) percent of the combined area of the individual lots within the mobile home park shall be set aside and reserved as open space to meet the recreational and community needs of the residents of the mobile home park. The area reserved for open space shall be suitable for use by residents for recreational purposes or for use by residents for storage. The reserved open space shall have slopes of less than five (5) percent and shall not be located on poorly drained soils and shall be accessible from roads from within the mobile home park.
- (6) Road Standards for Mobile Home Parks.
 - a. The layout, design and construction of roads within the parks shall conform to the following standards:
 - i. The road system shall be reasonably safe and convenient for travelers, shall provide access to all lots within the park and shall provide for all-season emergency vehicles access to every unit in the park;
 - ii. Roads within the mobile home park that the applicant proposes as public roadways shall be designed and constructed in accordance with the design and construction standards for a road set forth in this Ordinance, under general standards of performance.
 - iii. Mobile home park roads that are to remain private shall meet the following minimum standards:
 1. The roads shall be designed by a professional engineer registered in the State of Maine;
 2. The road shall have a minimum right-of-way of twenty-three (23) feet;
 3. The road shall have a paved travel surface with a minimum width of twenty (20) feet;

4. The construction of these roads shall meet the standards of the Manufactured Housing Board.
 - iv. The roads or lots shall be laid out so that no lot within the park shall have direct vehicular access to a public street.
 - v. The entrance to a mobile home park shall be in conformance with Section IX (Road Design and Construction Standards) of the Interim Subdivision Ordinance for the Town of Beddington and any subsequent revision thereto.
 - vi. Applications for approval of a mobile home park shall contain an estimate of average daily traffic flow. Estimates of traffic generation shall be based on the Trip Generation Manual, current edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than four hundred (400) vehicular trips per day, the application shall also include a Traffic Impact Analysis, by a registered professional engineer with experience in transportation engineering.
 - vii. Utility requirements: All mobile home parks shall provide permanent electrical, water and sewer disposal connections to each lot in accordance with applicable State and local rules and regulations. Electrical utilities and telephone lines may be located above ground.
- (7) Conversion; Restrictions No subdivision which has been approved as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.
- a. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.
 - b. No dwelling unit other than a manufactured housing unit shall be located within the park.

R. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (130) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, 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 the 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 that district in which case the setback requirements specified above shall apply.

In addition:

- (2) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (3) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Section 17), shall be set back a minimum of one hundred and thirty (130) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

- (4) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (5) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
- (6) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;
 - b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - d. The total height of the wall(s), in the aggregate, are no more than 24 inches.
 - e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - iii. Only native species may be used to establish the buffer area;
 - iv. 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;
 - v. A footpath not to exceed the standards in Section 16.Y.(2)a. may traverse the buffer;

- (7) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

S. 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

- (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 fisheries.
- (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. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below 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.
- (6) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (8) Structures built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

T. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs
- (11) Photographic processing

- (12) Printing

U. Parking Areas

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

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

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 16.V.(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 16. V.(1) except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
 - a. To provide access to structures or facilities within the zone; or

- b. When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (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 16.I.
- (6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (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 (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (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, driveway, or ditch. To accomplish this, the following shall apply:

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

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- 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 runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning

W. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone 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 forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (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 classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (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 classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and 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 provided to the Commissioner of Agriculture, Food and Rural Resources.

X. Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - a. Within the strip of land extending 100 feet, horizontal distance, inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting except to remove safety hazards.
 - b. Beyond the 100 foot strip referred to in Section 16.X.(1)a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
- (2) Except in areas as described in Section 16.X.(1) above, timber harvesting shall conform with the following provisions:
 - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

- i. Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- b. Timber harvesting operations exceeding the 40% limitation in Section 16.X.(2)a. above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for emergency harvest for pest/disease control and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
- c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- d. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
- e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least one hundred (100) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back

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

Y. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

- (4) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 100 feet, horizontal distance, 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.
- (5) Except in areas as described in Section 16.Y.(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 classified GPA or a river flowing to a great pond classified GPA, 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 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
 - b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is retained. For the purposes of Section 16.Y.(2)b. a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 in. or greater	8

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

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

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

For the purposes of Section 16.Y.(2)b. “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

- (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 Section 16.Y. paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (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.

Section 16.Y.(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 16.Y.

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

AA. Subdivision of Land. Existing State Statutes for Land Subdivision and local subdivision standards as set forth in the Subdivision Ordinance for the Town of Beddington Interim Plan shall apply to all subdivisions within the Town of Beddington.

BB. Camping on Town-Owned Land. Camping on town lands, within the Town of Beddington, Maine is hereby prohibited.

CC. Beach Construction. Beach construction on any great pond shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Commissioner of the Department of Inland Fish and Wildlife, and a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act.

17. Administration: This section shall apply to all districts and uses with additional administrative, procedural and submission requirement provisions included in Section 18. Wireless Communications Facilities, Section 19. Waste Disposal Facilities, and Section 20 Small Wind Electrical Generation Facilities:

A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required - After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - b. The replacement culvert is not longer than 75 feet; and
 - c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1

or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14 – Table 1. Land Uses.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of a public hearing (if held), if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will avoid problems associated with floodplain development and use; and
- (8) Is in conformance with the provisions of Section 16, Performance Standards.

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

E. Special Exceptions. In addition to the criteria specified in Section 17(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

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

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

- (4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 130 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant may renew the permit annually at no additional fee for a maximum of three years if annual notice is provided to the Code Enforcement Officer and a renewal permit also imposes any new standards that may apply to the project. Permits shall also expire upon transfer of ownership of the property.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the

appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

No power lines may cross a lake or river segment as it presents a flight hazard to firefighting aircraft and sail propelled vessels.

H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

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

(2) Variance Appeals. Variances may be granted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - i. The proposed structure or use would meet the provisions of Section 16 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 1. That the land in question cannot yield a reasonable return unless a variance is granted;
 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 3. That the granting of a variance will not alter the essential character of the locality; and
 4. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. Notwithstanding Section 17(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The

board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

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

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

(4) Appeal Procedure

- a. Making an Appeal
 - i. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 17(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
 - ii. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - 1. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - 2. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

- iii. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 - iv. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
- b. Decision by Board of Appeals
- i. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - ii. The person filing the appeal shall have the burden of proof.
 - iii. The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - iv. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

- (1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.
- (2) Code Enforcement Officer
 - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or

- structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
- (3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

J. Waivers

The Board may grant a waiver or modification of these standards after the submission of a written request by the applicant and the Board by a unanimous vote of its quorum makes findings that:

- (1) the waiver or modification of the standard will not cause an adverse effect to the neighboring properties; and
- (2) the waiver or modification of the standard will not cause an adverse effect to the general health, safety and welfare to the town's residents; and
- (3) the cost of compliance with the standard is prohibitive in relation to the overall size and cost of the proposed use; and
- (4) there are no similar uses in the neighboring area which have been required to comply with the standard.

18. Wireless Communications Facilities

- A. Purpose and Goals.** This section is designed and intended to balance the interests of the residents of the Town of Beddington, wireless communications providers, and wireless communications customers in the siting of wireless communications facilities within the town. These standards are also intended to establish general guidelines for the siting of wireless communications towers and antennas and to enhance and fulfill the following goals:

- (1) To preserve the authority of the Town to regulate and to provide for reasonable opportunity for the siting of wireless communications facilities, by establishing standards which will enhance the ability of providers of wireless communications services to provide services effectively to the community.
- (2) To minimize the adverse impacts of such facilities including — visual and aesthetic impacts, environmental impacts to historically significant areas, as well as, safety impacts and property values.
- (3) To encourage co-location of carriers and minimize the total number of maximum height towers located within the town,
- (4) To permit the construction of new towers only where all other reasonable opportunities have been exhausted.
- (5) To encourage the users of towers and antennas to configure them in a way that minimizes the need for additional towers in the Town of Beddington.
- (6) To provide for the removal of structures which are no longer being used for telecommunications purposes.
- (7) To facilitate the safe operation and construction of wireless communications facilities within the Town of Beddington.

B. Exemptions. The following are exempt from the provisions of this ordinance:

- (1) Emergency Wireless Telecommunications Facility: Temporary wireless communication facilities for emergency communications by public agencies.
- (2) Amateur (ham) radio stations: Amateur radio stations licensed by the Federal Communications Commission (FCC).
- (3) Parabolic antenna: Parabolic antenna less than seven feet in diameter that is an accessory use of the property.
- (4) Routine repair and maintenance or repair: Routine maintenance or repair of a wireless telecommunications facility and related equipment, provided that there is no change in height or any other dimension of the facility.
- (5) Municipal, public safety, public works, or quasi-municipal organization, when used solely for the communication use of these users. Including any Town lands existing at the time this Ordinance is adopted, or on any Town properties acquired in the future.
- (6) Temporary wireless telecommunication facility: Temporary wireless telecommunications facility in operation for a maximum period of one hundred and eighty days. This may include, but is not limited to, "cellular on wheels" mobile equipment.
- (7) Antennas as accessory uses: An antenna that is an accessory use to a residential dwelling unit.
- (8) "Special event" (see Definitions) wireless telecommunication facility: Temporary special event telecommunication facilities for a period not to exceed five days preceding an event and five days after a special event.

C. Permits Required

- (1) The Planning Board shall review all applications for wireless communication facilities.
- (2) All new (after the date of adoption of this ordinance) telecommunications towers which exceed 35 feet in height shall be limited to the Public Civic Services and Headwaters Limited Residential districts and shall require a Permit issued by the Beddington Planning Board (Excepting Exemptions described in Section 18 B).
- (3) Wireless communications facilities or collocation at any height below the 35 feet shall be considered a permitted use and shall need only a building permit from the Code Enforcement Officer.

- (4) All wireless communications facilities proposing to locate on existing towers or alternative tower structures in excess of 35 feet must conform to all applicable requirements of this ordinance prior to requesting a building permit from the Code Enforcement Officer.

D. Review and Application Review Fees

- (1) Application fees shall be similar to rates established in the Land Use and Shoreland Zoning Ordinance for a commercial structure and land use review plus additional costs involved with certified abutter notification. Application fees shall be paid at the time the application is submitted.
- (2) Applications for approval in any of the two Districts described in Section 18.C. and Section 14. Table 1 in Beddington's Land Use and Shoreland Zoning Ordinance may require professional, expert review. Applicants to the CEO and/or Planning Board are responsible for all expenses associated with expert analysis of all review considerations associated with an application for a wireless communication facility.
- (3) An escrow account may be established at the Pre-Application Conference for any anticipated review fees. Review fees shall reflect reasonable technical and professional services necessary to assist the Code Officer or Planning Board in their review of an application. When it is determined that this account requires additional monies, review of an application will cease until such time when the review account is refreshed, by the applicant, to an amount satisfactory to cover additional review expenses.
- (4) Funds remaining in the review account after an application is withdrawn or has had its review completed shall be returned to the applicant. Any earned interest on review funds shall be returned to the applicant.

E. Application Process

- (1) Pre-Application Conference. Applicants seeking approval of either the CEO or the Planning Board under this ordinance shall meet with the Planning Board prior to filing an application according to this ordinance. At this meeting, the Planning Board shall explain the ordinance provisions as well as application forms and fees required under this ordinance.
- (2) Application for CEO Approval. Applications for permit approval by the CEO must include the following materials and information:
 - a. Documentation of the applicant's right, title, options, or interest in the property on which the facility is to be sited.
 - b. Elevation drawings of the proposed telecommunication facility and any other proposed structures.
 - c. Certification by a registered professional engineer that the drawings, plans, and specifications submitted with the application are structurally safe and satisfy ANSI engineering guidelines.
 - d. A copy of necessary licenses from the FCC or a letter from the FCC indicating that the applicant complies with all necessary federal regulations.
- (3) Application for Planning Board Approval. Applications requiring a permit in accordance with this section, shall be required to submit an application to the Planning Board.
 - a. The Planning Board shall review the application and determine if it contains sufficient information as required to schedule the application for Planning Board review (reviewing schedule shall be similar to the current land use review procedure).
 - b. The Planning Board in accordance with the procedures, standards and submission requirements of this section shall review all applications under this section. The

Planning Board shall apply the standards of Section 18 G., in the review of such applications. In granting a permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties and to preserve the intent of this ordinance.

- c. The Planning Board shall schedule the application for the next available agenda after determining that a complete submission has been made. The Planning Board, however, shall decide if an application is complete and contains all information necessary to schedule a public hearing. The Planning Board shall approve, approve with conditions, or deny a permit within ninety (90) days of its decision that an application is complete or within another time limit as may be otherwise mutually agreed to by the Board and the applicant.
- d. Public Hearing. The Planning Board shall schedule a public hearing within forty-five (45) days of determining that it has a complete application. Notification of the hearing shall be provided as follows:
 - i. Notification by the applicant. The applicant shall send written notice of the public hearing, dated at least ten (10) days prior to the hearing, to all owners of property that directly abuts or is located within one thousand (1,000) feet of any property line of the property for which the Permit is requested. (Notice to the owners within the first 500 feet shall be by certified mail, other notification shall be by first class mail.) Written notice shall also be given to any town located within one mile of the proposed telecommunications facility. The applicant shall provide this notification and shall present proof of such notification to the Planning Board. The notification shall include: the name of the applicant, location of the property, a brief description of the project, and a plot plan identifying the proposed site layout in relation to nearby streets and properties. (Notification fees are the responsibility of the applicant).
 - ii. Notification by the Town: The Town shall post notification of the hearing at Town Hall a minimum of seven (7) days in advance of the hearing. In addition, the Town shall advertise the notice of public hearing in a newspaper of general circulation a minimum of seven (7) days in advance of the hearing. Once proper notice has been given, the Planning Board shall conduct a public hearing.
- e. Final Decision. Following the public hearing, the Planning Board shall within thirty (30) days complete its review of the application, and issue Findings of Fact supported by substantial evidence in the written record, which outline the reasons it approves, approves with conditions or denies the application.

F. Plan Submissions for Planning Board Review. Applicants requesting a permit under this section shall submit a scaled plan and application in accordance with the following submission requirements:

- (1) Location of the proposed structure, including map/lot number and street address. A locus map drawn at a scale of not less than 1 inch = 100 feet (or other appropriate scale as determined by the Planning Board) that identifies all properties; all residences, all non-residential structures, all roads and the natural topography (vegetation and contours at 20 foot intervals) of the area located within a radius of 1000 feet of the location of the proposed wireless communication facility. The site plan must be certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, anticipated antenna capacity, on-site and abutting off-site land uses, proposed means of access, and setbacks from property lines.

- (2) Name of owner or operator of the wireless communication facility and owner of property.
- (3) Name of company (ies) responsible for constructing and/or maintaining the wireless communication facility. Tower removal bonding sureties shall also be submitted.
- (4) Date the wireless communication facility is proposed to be constructed.
- (5) Payment of all required performance guarantees or Letter of Credit from an authorized banking institution (due upon approval.) and payment of the permit application fees.
- (6) A USGS 7.5 minute topographic map showing the location of all wireless telecommunication facilities above 190 feet within a 5 mile radius of the proposed facility.
- (7) A topographic map of the property which shall identify within a 500 ft radius: accurate dimensions of the property, where a tower is proposed to be located; contours at not less than 5 foot intervals (or other appropriate scale as determined by the Planning Board); existing vegetation, particularly noting height, diameter, density, quality, and type (deciduous or evergreen) of existing trees; wetlands, floodplains, streams and open bodies of water; ledge outcrops; soils data, medium intensity; all existing structures on the property; and any right-of-ways, access roads, easements, or similar encumbrances on the property; and other significant features.
- (8) Elevation drawings of the proposed facility and any other proposed structures.
- (9) A landscaping plan indicating the proposed placement of the facility, the location of existing structures, trees, and other significant site features, the type and location of plants proposed to screen the facility, the proposed fencing, the proposed color and the proposed lighting. The Planning Board may waive this upon a finding the proposed tower site is in a wooded location.
- (10) A signed statement indicating that the owner of the facility agrees to negotiate in good faith with other wireless communications carriers who may seek to collocate wireless service facilities on the applicant's structure or on the same site. Good faith discussions entail all aspects of reasonable negotiations, including timeliness of response to interested parties and willingness to accept industry standard market rates. Costs for collocation which exceed the cost of a new tower shall be presumed to be unreasonable. The signed statement shall state that any letters of intent to collocate on an applicant's tower shall be responded to by the applicant in less than 90 days following receipt of the request to collocate.
- (11) Documentation of the applicant's right, title, or interest in the property on which the facility is proposed.
- (12) A copy of all necessary licenses from the FCC or a letter from the FCC indicating that the facility complies with all necessary federal regulations.
- (13) A photo simulation of the proposed facility or tower extension taken with a 50-mm lens from at least four lines of site. The Planning Board during the Pre-Application meeting shall determine locations from which photos are to be taken. Photo simulations shall depict the actual color, height, lighting, screening of the proposed facility or tower extension. The applicant shall present the Board with photos of a tower similar in height, design, etc. showing the photo simulation prior to construction of the tower, and photos of the same tower after it was constructed.
- (14) A statement from the applicant describing why this site and structure is critical to the operation for which it is proposed. The statement shall address, at a minimum: existing and proposed service area maps, how this structure is integrated with other company operations, particularly other structures in Beddington and surrounding communities, future expansion needs in the area, the effect on company operations if this structure is not constructed in this location, other sites evaluated for location of this structure and how such sites compare to the proposed site. Also, the applicant must

specify other options, if any, which could be used to deliver similar services, particularly if the proposed equipment can be collocated (shared use) on an existing structure; and an analysis of the projected life-span of this structure and location.

- (15) Certification by a registered engineer that the drawings, plans, and specifications submitted with the application satisfies applicable technical codes and ANSI structural standards. Certification that submissions for new towers are structurally capable of accommodating two or more co-locators.

Waiver of Submissions: The Board may grant waivers to any of the above submission requirements upon written request by the Applicant, provided that the applicant can demonstrate that the waiver does not nullify the purpose and intent of these regulations and that the Board finds that the criteria for granting waivers in Section 17 J. of this Ordinance have been satisfied. All waivers granted by the Board must be in writing.

G. Performance Standards - To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

(1) CEO Approval Standards:

- a. The proposed facility is an expansion or accessory use of, or collocation on an alternative wireless telecommunication structure/facility legally existing at the time the application is submitted under this ordinance.
- b. The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.
- c. The proposed facility increases the height of the existing structure by no more than twenty (20) feet.
- d. The proposed facility blends architecturally and esthetically with the surrounding structures.
- e. The facility does not pose a safety or injurious situation. The CEO may not grant waiver requests from any of the submissions, standards or requirements of this ordinance.

(2) Planning Board Approval Standards

a. Siting Preference Locations:

- i. **FIRST PREFERENCE-Collocation:** Prior to considering construction of a new tower, the applicant must clearly and convincingly demonstrate to the Board that all potential sites for collocation on existing wireless telecommunication facilities or existing publicly or privately owned structures have been thoroughly researched and analyzed by the applicant, and have proven unsuitable or unavailable for the applicant's needs.
- ii. **SECOND PREFERENCE-NONCOLLOCATION:** Where collocation is determined to be unavailable or unsuitable, applicants for new tower construction must also demonstrate why existing alternative and/or telecommunication structure/facilities are unsatisfactory for the carrier's needs. The applicant shall demonstrate that a building or alternative telecommunication structure cannot reasonably accommodate the applicant's proposed facility. Evidence submitted to demonstrate that no existing building or alternative site can accommodate the applicant's proposed facility may consist of a showing by the applicant that:
 - iii. No existing facilities are located within the geographic area to meet the applicant's desired area of coverage.
 - iv. Existing facilities do not have sufficient height to meet the applicant's desired area of coverage.
 - v. Existing facilities do not have sufficient structural strength to support the applicant's proposed antenna and related equipment and necessary

- equipment would exceed the structural capacity of the existing facility or that the existing facility cannot be reinforced to accommodate the proposed new antenna.
- vi. The fees, cost, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Evidence that the costs of sharing space on an existing facility exceed new facility development are creates a presumption of unreasonableness.
 - vii. The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna equipment on the existing facility would cause interference with the applicant's proposed antenna.
 - viii. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively.
- b. Height:
- i. The transmitting structure/facility shall not increase the existing alternative telecommunication facility/structure height more than twenty (20) feet and shall conform to Performance Standards in Section 18 G. (2) a. Additional height may be added to existing towers only when accompanied with a structural certification from a registered engineer testifying that the tower's load-bearing capability is adequate.
 - ii. New towers and extensions of existing towers shall not exceed a maximum height of 190 feet and, all new towers, shall be designed for a structural capacity of at least two or more additional collocators.
- c. Setbacks:
- iii. All new telecommunication towers shall be set back from all property lines a distance equivalent to 105% of the height of the tower. All setbacks shall be calculated for the maximum height permitted in the overlay zone, regardless of the proposed tower height.
 - iv. The Planning Board may reduce property-line setbacks when a "fall zone easement" has been obtained from all affected property owners within 105% of the maximum permitted height of the proposed tower.
 - v. All accessory equipment and support wires associated with the new telecommunication tower shall meet setback requirements of the zoning district.
- d. Landscaping and Fencing:
- i. Towers shall have galvanized steel finish or be painted a neutral color so as to reduce visual impact. The Planning Board may waive this item upon reconsideration of the FAA daytime lighting requirements.
 - ii. All telecommunications structures shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road. The Planning Board may require additional plantings in the buffer area to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.
 - iii. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screenings and landscaping that will blend the tower facilities to the natural setting and built environment.
 - iv. Towers shall not be artificially lighted, unless required by the FAA or other Federal or State authority. If lighting is required, the Planning Board may review available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties and views.

- Security lighting at the base of the facility shall be shielded. No advertising or signage is allowed on telecommunication tower.
- v. Road access to the telecommunications structure shall be the minimum size necessary to allow safe access.
- vi. The base of a telecommunications tower may not be located in a wetland or floodplain.
- vii. A security fence or wall not less than six (6) feet in height from the finished grade shall be provided around the tower. Access to the tower shall be through a locked gate.
- e. Structural Standards:
 - i. Written certification that new wireless telecommunication towers comply with the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard: "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
- f. Noise:
 - i. In residential zoning districts, the noise generated by the wireless telecommunications facility shall not exceed 5 dBA or 60 dBA as measured on abutting properties. Operation of back-up power generator during a power failure and testing of a back-up generator between 8 a.m. and 9 p.m. are exempt from this standard. No testing of back-up power generators shall occur between the hours of 9 p.m. and 8 a.m.
- g. Other Factors. In reviewing an application for a telecommunication structure/facility, the Board shall also address the following:
 - i. Height of proposed tower or other structure does not exceed the permitted height.
 - ii. Nature of uses on adjacent and nearby properties.
 - iii. Surrounding topography.
 - iv. Surrounding tree coverage and foliage.
 - v. Design of the tower, antenna, or facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - vi. Proposed ingress and egress to the site.
 - vii. Availability of suitable existing towers and other alternative tower structures.
 - viii. Visual impacts on view sheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures. The clustering of towers in a single area is considered less visually intrusive than spread apart, single site locations.
 - ix. That the proposed facility/tower/ will not unreasonably interfere with the view from any public parks, natural scenic vistas, historic buildings or major view corridors.
 - x. That the proposed facility/tower/ is not constructed in such a manner as to result in needless height, mass, and guy-wire supports, with documentation having been provided and reviewed regarding the design capacity and/or the remaining collocation capacity of the facility/ tower.

Waiver of Standards: The Board may grant waivers or modifications of any of the above standards, with the exception of those requirements contained in Section 18.G.(2)b regarding maximum tower height and permitted siting of telecommunications towers/facilities, upon written request by the applicant, provided that the applicant can demonstrate that the waiver does not nullify the purpose and intent of these regulations and that the Board has considered the factors set forth in Section 18.G.(2)g and further finds that the criteria for granting waivers in Section 17. J of this Ordinance have been

satisfied. All waivers granted by the Board must be in writing and included in the final decision and findings of fact.

- H. Siting on Town Property.** If an applicant proposes to locate a new wireless telecommunications facility on public property, the applicant must comply with all applicable sections of this ordinance and the following:

 - (1) The proposed location complies with applicable municipal policies and ordinances.
 - (2) The proposed structure/facility will not interfere with the current and proposed use of the property.
 - (3) The applicant shall permit Town communication usage and services to be located on the facility at no cost to the Town.

- I. Right of Appeal.** Appeals from any final decision of either the CEO or Planning Board may be appealed to the Board of Appeals in accordance with Section 17. H. of the Land Use and Shoreland Zoning Ordinance.

- J. Amendment to an Approved Application.** The CEO or the Planning Board, upon review of Section 18. G. shall approve or deny any amendments to an approved application which do not constitute expansions or enlargements requiring a new application and review.

- K. Performance Guarantees.** No building permit may be issued until the applicant has filed a performance guarantee with the Town equal to 125% of the cost of completing the following improvements:

 - (1) The construction of any drainage systems involving piping, culverts, or retention or detention facilities; and
 - (2) The construction of erosion and sedimentation control measures or landscaping required to meet the standards of this section; and
 - (3) Other site improvements required by the Board to meet the standards of this section.

- L. Removal of Abandoned/Unused Facilities.** The owner of a telecommunications facility shall be required to remove the tower should it not be used for the use or uses approved for a period of twelve (12) consecutive months. An applicant for a permit under this section shall post a performance guarantee with the Town prior to obtaining a permit that is equal to 125% of the cost of removing the structure. The performance guarantee covering such removal shall be for a minimum term of five years. It must contain a mechanism, satisfactory to the town, for review of the cost of removal of the structure every five years, and a mechanism for increasing said bond funds. If the Planning Board determines the permitted telecommunication facility exceeds FCC health criteria for such facilities, the tower owner shall be required to reduce such negative health effects within ten (10) days of notification by either the Town or the FCC of excessive health detriments from the telecommunication facility. Failure to act in the specified fashion is adequate reason for the performance guarantee to be utilized for whatever purposes necessary to eliminate the detrimental health effects.

19. Waste Facilities

- A. Purpose:** To protect surface and groundwater resources of the Town of Beddington and to preserve the quantity and quality of these resources for current and future use and to protect residents and neighboring land uses from the potentially deleterious effects of the operation of waste facilities.

B. Operating Permits

- (1) No person shall construct or operate a waste facility without obtaining a Conditional Use Permit from the Planning Board. The utilization, processing, disposal or transfer of any solid waste, hazardous waste, special waste, septage, or sludge is strictly prohibited except at the site of a permitted waste facility.
- (2) The operating permit shall not be transferred without prior approval of the Planning Board. Transfer of a permit shall be allowed only where the applicant demonstrates that he has the technical ability and financial capacity to comply with conditions of the operating permit, including the plans and supporting documents contained in the application for conditional use permit.
- (3) All operating permits shall expire three (3) years from the date of issue unless otherwise stated on the conditional use permit or revoked in accordance with the provisions of this ordinance.

C. Application: In addition to the submission requirements contained in Section 17.C, the application shall include the following information:

- (1) The name(s) and addresses of any waste facilities with which the applicant has had previous experience;
- (2) A copy of any application to and license or permit from the Maine Department of Environmental Protection in accordance with the Site Location of Development rules and the Solid Waste Management Rules;
- (3) Leachate control methodologies;
- (4) Concept plans for final closure of the facility and maintenance of the site, including projected timing of closure, cover materials, frequency of maintenance following closure, and methods to control methane generation and movement.
- (5) Characterization of wastes, estimated quantities of waste by type, waste compatibility and interaction of wastes with the containment system.
- (6) Submit evidence that the applicant can provide a performance guarantee to cover the costs of closing of the site in accordance with all local, state and federal requirements including maintenance of the site subsequent to its closure.
- (7) In reviewing applications, the Board may require submission of additional information to determine compliance with the standards and purposes of this ordinance.

D. Consultant Review: In addition to the customary application fee for a conditional use permit, an additional technical review fee based on \$1.00 per cubic yard estimated quantity of waste disposal capacity or a minimum of \$1,000, whichever is greater, shall be submitted with the application. The technical review fee shall be used by the Planning Board to retain consultants with the technical expertise necessary to assist in the review. The unexpended balance on the account shall be returned to the applicant after a final decision on the application is rendered. If the Board and the applicant mutually agree upon the qualifications and acceptability of all technical experts employed in the design of the facility, the Board may waive all or part of this requirement provided the public health, safety, and welfare are protected and the objectives of these regulations are met.

E. Permit Renewal: An application to renew a operating permit shall be accompanied by a fee of one thousand (\$1000) dollars, a written report, by the Codes Enforcement Officer, on the facility's operation since the previous conditional use permit was issued which demonstrates the facility's compliance with the requirements of this ordinance, groundwater monitoring results and compliance with a specific conditions of a permit. In the circumstance of demonstrated non-compliance the Board may require the filing of a technical review fee as stated in Section 19.D.

- F. **Review Procedures:** The Planning Board, after determining an application is complete and appropriate fees paid, shall process the application in accordance with the procedures established for a conditional use permit.
- G. **Performance Standards:** In addition to the performance standards of Section 16 of this ordinance the following specific standards shall be met:
- (1) Agronomic Utilization
 - a. All land application shall be conducted in strict compliance with the standards of Chapters 400 and 419 of the Rules of the Maine Department of Environmental Protection, even if the nature of the materials or operation do not require a license from the Department.
 - b. Land application of residual materials shall be conducted only as part of a nutrient management plan for the overall operation of the site. A copy of the nutrient management plan shall be submitted with the application for conditional use approval.
 - c. Agronomic utilization of residual material shall be conducted in a manner to minimize odors. Odors determined by a majority of the Code Enforcement Officer, Town Manager, and chairman of the Board of Selectmen to be offensive for more than 48 hours during a seven day period are prohibited. Violation of this provision shall result in a revocation of the permit by the Planning Board, after a public hearing with written notice provided to the property owner, applicant and owners of property within 500 feet of the subject property.
 - d. Following the application of residual materials each year a report shall be filed with the Planning Board indicating the areas on which materials were applied and the amount of materials in each area.
 - (2) Processing Facility
 - a. All processing facilities shall be designed, located and operated in strict compliance with the standards of Chapters 400 and 409 of the Rules of the Maine Department of Environmental Protection, even if the nature of the materials or operation do not require a license from the Department.
 - b. The facility shall provide a landscaped buffer strip to visually screen the use from the street and from neighboring residence on a year-round basis. Where natural vegetation cannot be maintained due to site conditions, the buffer may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffer areas shall be maintained and vegetation replaced to ensure continuous year-round screening.
 - c. Access to the processing site shall be secured when the facility is not open to ensure that unauthorized or unsupervised access does not occur.
 - d. Processing facilities shall be designed, located and operated in a manner to minimize odors.
 - e. No later than March 1 of each year a report shall be field with the Planning Board indicating the volume or weight of each type of material processed and the volume or weight of material shipped from the site during the previous calendar year.
 - (3) Disposal Facility
 - a. All waste disposal facilities shall be designed, located and operated in strict compliance with the standards of Chapters 400, 401, 403, and 420 of the Rules of the Maine Department of Environmental Protection as appropriate, even if the nature of the materials or operation do not require a license from the Department.
 - b. The facility shall provide a landscaped buffer strip to visually screen the use from the street and neighboring residences on a year-round basis. Where natural vegetation cannot be maintained due to site conditions, the buffer may consist of

- fences, walls, tree plantings, hedges or combinations thereof. The buffer areas shall be maintained and vegetation replaced to ensure continuous year-round screening.
- c. Access to the disposal site shall be secured when the facility is not open to ensure that unauthorized or unsupervised dumping does not occur.
 - d. The site shall not be over or within 1000 feet of: a significant sand and gravel aquifer; a sand and gravel deposit; a perennial or intermittent stream; the Narraguagus River; the West Branch of the Narraguagus River; the Pleasant River; a pond or other body of water; or within 1,000 feet of a public drinking or private water supply.
 - e. A site shall not be in or over a 100 year floodplain.
 - f. Waste disposal facilities shall be designed, located and operated in a manner to minimize odors.
- (4) Transfer Station
- a. All transfer stations shall be designed, located and operated in strict compliance with the standards of Chapters 400 and 402 of the Rules of the Maine Department of Environmental Protection, even if the nature of the materials or operation do not require a license from the Department.
 - b. The facility shall provide a landscaped buffer strip to visually screen the use from the street and neighboring residences on a year-round basis. Where natural vegetation cannot be maintained due to site conditions, the buffer may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffer areas shall be maintained and vegetation replaced to ensure continuous year-round screening.
 - c. Access to the disposal site shall be secured when the facility is not open to ensure that unauthorized or unsupervised waste disposal does not occur.
- (5) Other Facility
- a. The applicant for an other facility shall either submit a letter from the Department of Environmental Protection indicating that no licenses or permits are required or an operating license from the Department.
 - b. All other facilities shall be designed, located and operated in strict compliance with the standards of Chapter 400 and any other applicable chapter of the solid waste Rules of the Maine Department of Environmental Protection.
 - c. The facility shall provide a landscaped buffer strip to visually screen the use from the street and neighboring residences on a year-round basis. Where natural vegetation cannot be maintained due to site conditions, the buffer may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffer areas shall be maintained and vegetation replaced to ensure continuous year-round screening.
 - d. Access to the disposal site shall be secured when the facility is not open to ensure that unauthorized or unsupervised waste disposal does not occur.
 - e. Waste disposal facilities shall be designed, located and operated in a manner to minimize odors.

H. Technical Ability, Insurance and Performance Guarantees

- (1) The Planning Board shall determine that the owner and operator has demonstrated the technical ability to insure that the facility will meet state air and water pollution control standards and the standards of this ordinance by:
 - a. Employment by the owner and operator of a qualified technical consultant to oversee installation and maintenance of the facility and its pollution control measures.
 - b. Institution of an appropriate personnel training program to ensure proper installation, operation, and maintenance of the facility and its pollution control equipment measures.

- (2) An applicant for a disposal facility must submit with the application and annually thereafter, proof of liability insurance coverage, in a minimum amount of at least \$2,000,000 per occurrence and \$5,000,000 annually, for accidental occurrences during the active life of the facility plus 30 years following closure or to such time which the hydrogeologists determine that maximum concentrations of leachate will occur in the groundwater. This provision can consist of either (1) liability insurance, or (2) establishment of a trust fund, to cover the cost of installing or extending a public water supply to serve the areas susceptible to contamination by landfill leachate. An engineering estimate of the cost of providing a public water supply to the area susceptible to contamination, shall be included and the minimum amount may be raised if the projected costs exceed the minimums stated herein.
 - a. The liability insurance policy shall be a "claims-made" policy, an endorsement must provide for a discovery period of at least twelve months beyond the date of expiration or cancellation of the policy. The endorsement must also provide that the underwriter will notify the town prior to the expiration or cancellation of the policy.
- (3) For all disposal facilities, processing facilities, and transfer stations, the owner shall provide a performance guarantee to cover the costs of closing of the site in accordance with all local, state and federal requirements including maintenance of the site subsequent to its closure. The amount of the guarantee shall be based upon a registered Professional Engineer's estimate, approved by the Board or its agent.
- (4) The requirements of Section 19.H.(4) may be waived if the Board makes written findings that alternative performance guarantees proposed by the applicant are adequate and appropriate to fulfill the purposes of this ordinance.

20. Small Wind Energy Systems

A. Purpose: The intent of this ordinance is to regulate the placement, construction, and modification of small wind energy systems (SWES) while minimizing adverse visual, safety, and environmental impacts.

B. Authority

- (1) The Beddington Code Enforcement Officer is vested with authority to review and approve or reject a building permit application for a SWES 60 feet or less in height.
- (2) The Beddington Planning Board is vested with the authority to review and approve, conditionally approve or reject any application for a SWES taller than 60 feet. A public hearing is required.

C. Application Submission Requirements

- (1) Applicant and landowner's name and contact information
- (2) Address of SWES location including tax map and lot number, existing use, and parcel acreage
- (3) Description of the project including specific information on the type, size, rotor material, rated power output, performance, safety and noise characteristics of the system including name and address of the manufacturer, model and serial number.
- (4) A Site Plan showing the planned location of the SWES and location of and distance to setback lines, property lines, roads, driveways, ROWs and any overhead utility lines and on the subject property and adjacent properties within 300 feet any buildings including their purpose and tree cover and average height of trees.
- (5) A survey map at an appropriate scale showing within 2500' of the proposed SWES any parks and other designated areas considered locally important in an open space

- plan, recognized historic sites, and important bird areas as identified in state Beginning With Habitat data.
- (6) Proposal for landscaping and screening.
 - (7) A scaled representation of the SWES showing system height and evidence the proposed height does not exceed the height recommended by the manufacturer of the system.
 - (8) Structural drawings from manufacturer or engineer showing foundation and anchor design along with specifications for soil conditions at the site.
 - (9) A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.
 - (10) Emergency and normal shutdown procedures
 - (11) If a roof-mounted system is proposed evidence by a structural engineer that the applicant's roof is sufficiently sturdy to hold a roof-mounted wind generator in winds 100 miles per hour for an hour.
 - (12) Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid
 - (13) Photographs of the proposed site.
 - (14) For SWES that exceed 80 feet in height the application shall include information on sight lines and photographs:
 - a. Sight line representation. A sight line representation shall be drawn from representative locations that show the lowest point of the tower visible from each location. These locations shall include a sight line representation from the closest residence and/or occupied building to the SWES and any public road or public area within 300 feet. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight lines from the closest habitable structures or public roads or areas included in the application.
 - b. Existing (before condition) photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of the current view.
 - c. Proposed (after condition). Each of the existing condition photographs shall have the proposed SWES superimposed on it to accurately simulate the SWES when built.
 - (15) For SWES that exceed 80 feet in height the application shall include information on elevations of:
 - a. Any and all structures on the subject property.
 - b. Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

D. Dimensional Requirements

- (1) Minimum Site Area: Minimum site area for a SWES shall be one half acre unless roof mounted. Each additional freestanding SWES will require an additional two acres. No more than 3 SWES are allowed on any one site regardless of acreage.
- (2) Height and Capacity/Zoning Restrictions: In residential and village districts maximum system height is 60 feet and maximum capacity is 10kW. In commercial and rural districts maximum system height is 80 feet and maximum capacity is 100kW.
- (3) Safety Setbacks: SWES shall be setback a distance equal to one hundred fifty (150) percent of the system height from adjoining property lines.
- (4) Other Setbacks: An SWES exceeding 60 feet tall must be setback 2500 feet from any park or designated area of local importance indicated in an open space plan, any

historic site, or any important bird area as indicated in the State's Beginning With Habitat data.

E. Design Requirements

- (1) Access
 - a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - b. The tower shall be designed and installed such that public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.
- (2) Blade Clearance: The minimum distance between the ground and any wind turbine blades of a free standing SWES shall be 25 feet as measured at the lowest arc of the blades.
- (3) Electrical Interconnections: All on-site electrical wires associated with the SWES shall be installed underground except for "tie-ins" to public utility company transmission poles, towers and lines. A licensed electrician must connect the SWES to the residence or other structure.
- (4) Noise: The small wind energy system shall not exceed 55 dBA, as measured at the property line, except during short-term events such as severe wind storms and utility outages.
- (5) Over-speed Controls: SWES shall be equipped with both manual and automatic over-speed controls.
- (6) Signal Interference: The system shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated, by a licensed technician to the Code Enforcement Officer, that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
- (7) Structure Type: The tower shall be a monopole without guy wires.
- (8) Visual Appearance:
 - a. SWES shall be painted in non-reflective, light gray color.
 - b. All signs, both temporary and permanent, or any graphic representation are prohibited on the SWES except appropriate manufacturers or installers identification and warning signs.
 - c. No tower shall be lighted unless required by the FAA.

F. Abandonment of Use: A SWES which is not generating electricity for eighteen (18) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property by the owner within 120 days of receipt of notice from the town.

G. Visibility: The following performance standards shall apply to SWES that exceed 80 feet in height:

- (1) Screening and buffering
 - a. Wherever possible, SWES shall be located to make maximum use of existing vegetation and structures for the purpose of screening the turbine from off-site views. To the greatest extent possible, SWES shall be sited such that mature vegetation and/or existing structures are located between the SWES and public and private viewpoints.
 - b. A year-round vegetated buffer of sufficient height and depth to screen the SWES shall be provided. Height and depth of the required buffer may vary in accordance with the specific project and site conditions. Trees and vegetation may be existing on the subject property or installed as part of the proposed SWES or a combination

of both. Consideration should be given to providing vegetated buffers nearer to the viewer to get maximum benefit from the screening, while limiting any turbulence that could affect the efficiency of the SWES.

- (2) Scenic Landscapes and Vistas
 - a. SWES shall be located toward the edge of any defined scenic and open view-sheds.
 - b. Any SWES that is located within 300 feet of a scenic vista, scenic landscape, or scenic road as designated by the town shall not exceed the height of vegetation at the proposed location.
- (3) Siting
 - a. SWES shall be located as far away as possible from important views in order to diminish the visual impact of the structure.

21. Definitions.

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

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 and timber harvesting activities.

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

Antenna: Any apparatus designed for telephonic, radio, television or similar communications through the sending and/or receiving of electromagnetic transmission.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Automobile graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A MRSA, Section 101, subsection 42, or parts of the vehicles, except . (Amended June 13, 2007)

1. An area used for the storage of vehicles or vehicle parts by an auto repair garage for 180 calendar days or less;
2. An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a governmental agency;
3. An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A MRSA, chapter 5;
4. An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A MRSA, Section 851;

5. An area used for temporary storage of vehicles by an establishment that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or

6. An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A MRSA, Section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Basal Area – the area of cross-section of a tree stem at 4 ½ feet about ground level and inclusive of bark.

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

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.

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

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Cluster Development: A development for residential, commercial, industrial (or any combination of the above) purposes, in which individual lot sizes are reduced in exchange for the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land.

Collocation: Locating by attachment or otherwise, more than one telecommunication facility (use) on a tower or alternative tower structure.

Commercial Use - the use of lands, buildings, or structures, other than a “home occupation”, define 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.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

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 physician or in the case of mental handicap, by a psychiatrist or 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 Town of Beddington Official Land Use District and Shoreland Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling or less. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

Dwelling: Any building designed or used only for residential purposes.

1. **Single-Family Dwelling:** A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

2. **Two-Family Dwelling (Duplex):** A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

3. **Multi-Family Dwelling:** A building containing three (3) or more dwelling units for occupation by three (3) 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 group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units

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

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

Expansion of use - the addition of one month to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single dwelling unit.

Family farm - any farm on which agricultural products are intended primarily for household use and not for commercial purposes.

Floodway – the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 10-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

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

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately 20 feet) or taller.

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

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

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

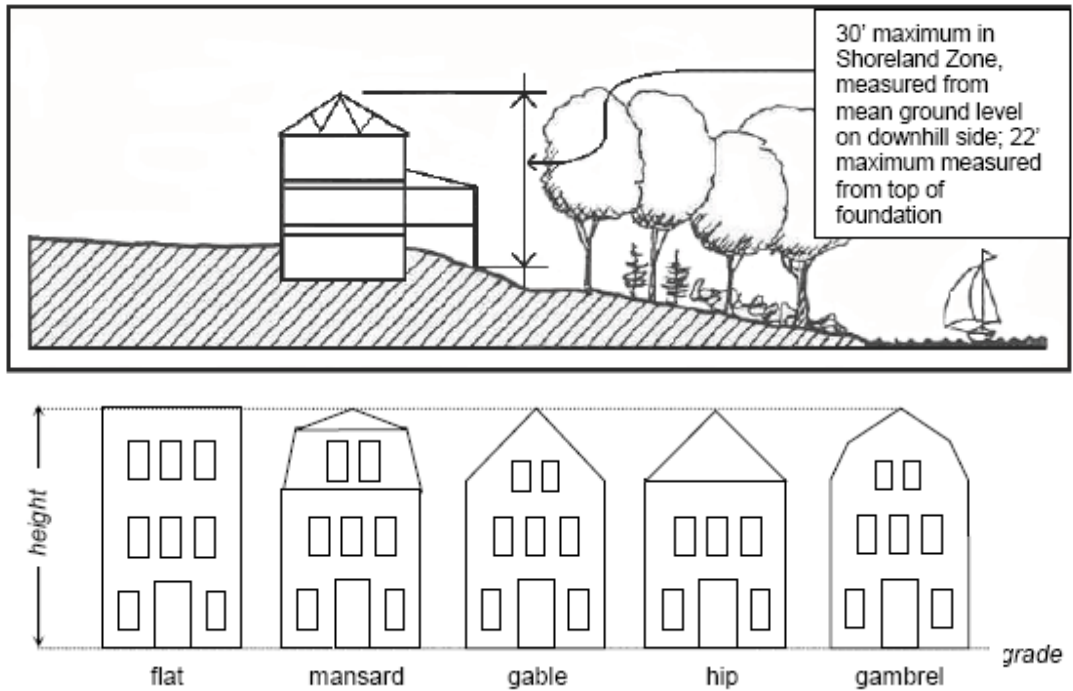
Great Pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased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

Great pond classified GPA – any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers and are defined as great ponds.

Ground cover - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Habitable Building (structure): Structures likely to be occupied on a continuous or temporary basis.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, antennas, and similar appurtenances that have no floor area. Telecommunication facilities shall be measured from ground level (including the height of the base-pad) to the highest point on the tower, including attached antennas. Transmitting devices co-located on alternative support structures shall extend no more than twelve feet (12) above the support structure.



Home Occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and (2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure – any change in a structure of property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetland, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extend no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure

from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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 limited to a gravel pad, parking area, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Junkyard: A yard, field, or other outside area used to store, dismantle or otherwise handle:

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

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

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

Manufactured housing - manufactured housing as defined by 30-A MRSA as amended including mobile homes and modular housing.

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 the prevailing general price levels.

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

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

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

Mobile Home: A manufactured housing unit constructed prior to June 15, 1976.

Mobile home park - a parcel of land under unified ownership approved by the Planning Board for the placement of three or more manufactured homes.

Monopole: A telecommunications tower consisting of a single pole (non-latticed), constructed without guy wires or ground anchors.

Native: indigenous to the local forests.

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

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

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

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

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

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

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

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

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

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

Public Utility: Facilities for the transmission or storage of electricity, gas, oil, water, sewage, or electronic signals, either above or below ground, but not including the single or multiple locations of street poles subject to Municipal Officer review.

Recent flood plain 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

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.

1. **Commercial recreation:** Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: movie theaters, racquet clubs, health and fitness facility, and amusement parks.
2. **Parks and recreation:** A recreation facility that is not commercially operated and is open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, but not including campgrounds or commercial recreation.

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

Replacement system - a system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

Residual basal area – the average of the basal area of trees remaining on a harvested site.

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

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.

Road - Public and private way such as State roads, Town roads, private rights-of-way and privately-owned roads (see below). In general, 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.

Town Road : Strip of land held by the Town for the passage and use of the general public by motor vehicle and for which the Town has maintenance responsibility.

State Road: Road owned by the State, for which the State has maintenance responsibility.

Privately-Owned Road : A way that the general public has no right to pass over by foot, or by vehicle, and for which the town has no maintenance responsibility.

Private Right-of-Way : Strip of land that the general public, by municipal easement, has a right to pass over by foot or by vehicle and for which the Town has no maintenance responsibility.

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

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

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream; and designated on the Beddington Land Use District and Shoreland Zoning Map as shoreland zoned.

Shoreline – the normal high-water line, or upland edge of a freshwater wetland.

Sign - A name, identification, description, display, notification or illustration which is affixed to, painted, or represented, directly or indirectly upon a building, structure, parcel or lot and which related to an object, product, place, activity, person, institution, organization or business on the premises.

Sign, Area - The area of a sign is the space within a parallelogram, which encloses the limits of the advertising message, illustration, insignia, surface or a space of a similar nature, together with any frame, color or other material which is an integral component of the display and is used to differentiate such sign from a wall or other background but excluding supporting posts or brackets. When a sign consists of individual letters, numerals, symbols or other similar

components painted on or attached to a building, without a definitive background or frame area, the total area of the sign shall be the area of the parallelogram surrounding the sign wording, message or logo.

Sign, project identification - A sign naming a residential subdivision, commercial or industrial development site where there are multiple lots or businesses (more than 3).

Sign, temporary - A display, informational sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, metal or other material, with or without a structural frame, and intended for a limited period of display.

Significant River Segments - See Title 38 MRSA Sec. 437. In Beddington, the Narraguagus River, West Branch of the Narraguagus River and Pleasant River and their tributaries.

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

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

Small Wind Energy System (SWES): A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power.

Note: Typically sized turbines are listed below:

2- 10kW:	Residential
10 –20kW:	Agricultural, Farm
50kW:	Small Municipal Operation (e.g. Kittery, ME) or Commercial
100kW:	Municipal or Commercial

Small Wind Energy System Height: The height above grade to the tip of the turbine blade when it reaches its highest elevation.

Special event - Any temporary activity serving a specific event or activity. A Town permit for such a special event may be required.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland with a shoreland zone.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, telecommunication facilities, wind generation facilities, and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Telecommunication structure/facility: Any structure, antenna, tower, or other device of any height which supports or provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services (unless otherwise Exempted in 18.B.).

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 16.X., Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Tributary stream - a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. The 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.

Tower: Any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carriers, cellular telephone towers, alternative tower structures, and similar structures.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

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

Viewshed Analysis: The land area in which a new structure is visible with unaided viewing. An analysis of this area shall entail various perspectives throughout Beddington and for a distance of one mile from the proposed structure.

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.

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 crossing for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Woody Vegetation – live trees or woody, non-herbaceous shrubs.

20. Schedule of Fees.

The schedule of fees for permits applied for pursuant of this Ordinance shall be as follows:

A. Subdivisions

The fee to accompany applications for subdivision shall be provided for in the subdivision standards of the Planning Board of the town.

Minor	\$250
Major	\$500 + \$25 per lot

B. Structures, Temporary Docks and Piers

Structure	Fee
Dwellings	\$100
Commercial structure	\$250
Addition	\$100
Conversion, same roof	\$25
Decks	\$25
Dock, removable	Permit required; no fee
Accessory Structure greater than 500 square feet	\$50
Accessory Structure greater than 100 square feet and less than 500 square feet	\$25
Accessory Structure less than 100 square feet	Permit required; no fee

C. Land Use Permits

The fee to accompany all other permits required pursuant to this Ordinance, shall be \$10.00.

Checks are to be made payable to the Town of Beddington.

The Code Enforcement Officer shall provide the Selectmen, annually, with an accounting of the type and amount of fees they have collected during the previous year.

D. Late Filing Fee

A late filing fee in the amount of double the permit fee shall be assessed on any person who engages in any activity requiring a permit pursuant to this Ordinance without first filing for the necessary permits.