

### **III. ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 3.3 BUILDING/LAND USE PERMITS [AMENDED 5/17/08; 6/19/21; 3/15/22]**

##### **A. Residential Growth Limitation (Cap):**

5. Exemptions: Exempted from the provisions of this section shall be the following:
  - a. Lots which are created by way of a gift, sale or lease to a person related to the donor (that means a spouse, parent, grandparent, brother, sister, child, grandchild related by blood, marriage or adoption);
  - b. A dwelling to be built upon a lot that has been owned by a resident of North Yarmouth for at least 10 years, provided that resident both owned the property and has been a resident of North Yarmouth for at least 10 years, and that the dwelling will be occupied by that resident.
  - c. Accessory ~~apartments~~Dwelling Units
  - d. Affordable Housing, as defined herein

#### **SECTION 3.8 PERFORMANCE GUARANTEES**

- K. **Improvements Guaranteed:** Performance guarantees shall be tendered for all improvements required to meet the standards of this Ordinance, including, but not limited to, improvements for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, ~~public~~centrally managed water systems, and erosion and sedimentation control measures.

### **IV. SITE PLAN REVIEW AND CONDITIONAL USE PROCEDURES**

#### **SECTION 4.1 PURPOSE**

The Site Plan Review and Conditional Use provisions set forth in this Ordinance are intended to protect the public health and safety, promote the general welfare of the community, and conserve the environment by assuring that land use activities are designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; emergency access; water supply; sewage disposal; management of stormwater, erosion, and sedimentation; protection of the groundwater; protection of the environment, wildlife habitat, fisheries, high value open space areas and other unique natural areas; protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the natural and man-made fabric of the community.

#### **SECTION 4.2 APPLICABILITY**

- A. **Site Plan Review Permit Required:** This Section is applicable to all land use activities listed in Section VII. Zoning District Regulations, Table 7-1. Land Uses by District, as requiring Site Plan Review by the Planning Board. These provisions shall apply to development proposals involving new construction, changes of use, or expansion of a structure or development, or expansion of a use by way of new construction. These provisions are also applicable to the clearing and/or altering of land, construction of parking lots, streets and roads and addition or alteration of accessory uses associated with land use activities listed in Table 7-1 and identified as requiring Site Plan Review. In all instances the burden for providing the information upon which the permitting authority bases

its findings and decision lies with the applicant.

- B. **Conditional Use Approval Required:** All land uses activities listed in Section VII. Zoning District Regulations, Table 7.1. Land Uses by District as requiring a Conditional Use Permit in addition to Site Plan Review shall also be subject to the requirements of this Section, including Section 4.6 Conditional Uses.

#### **SECTION 4.3 REVIEW AND APPROVAL AUTHORITY [AMENDED 6/19/21]**

- A. **Planning Board Authorization:** The Planning Board is authorized to review and act on all site plans for development requiring Site Plan Review or Conditional Use approval. In considering site plans and conditional uses under this provision, the Planning Board may act to approve, disapprove, or approve the project with conditions as are authorized by these provisions. In issuing any decision, the Planning Board shall make written findings of fact establishing that a proposed development does or does not meet the standards of this Ordinance, including, but not limited to, Section VII. Zoning District Regulations and Section X. Performance and Design Standards for Site Plan Review and Subdivision Review; and Section Special District Standards and Section XI. Standards for Specific Activities, as applicable.

**B. Waivers of**

1. Application Requirements: The Planning Board may waive any of the submission requirements in this ordinance based upon a written request by the applicant. The applicant shall utilize the Town's Waiver Request form for any request. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held and provide narrative justifying the request. A waiver of any submission requirement may be granted only if the Planning Board finds that the information is not required to determine compliance with the standards of the relevant ordinance standard.~~this Ordinance.~~ The Planning Board shall consider the size, character and intensity of the proposed project in determining which requirements may be waived.

#### **SECTION 4.4 PROCEDURES [AMENDED 6/19/21; 4/30/22]**

The Planning Board shall use the following procedures in reviewing applications for Site Plan Review and Conditional Uses:

A. **Pre-application Meeting:**

1. Prior to submitting a formal application for Site Plan Review, the applicant is required to attend a pre-application meeting with the Planning Board. Additional staff may be invited to attend the pre-application meeting at the discretion of the CEO. The pre-application meeting shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S. §302. No decision on the substance of the plan shall be made at the pre-application meeting.
2. The purposes of the pre-application meeting is to:
  - a. Allow the CEO, staff and Planning Board to understand the nature of the proposed use and the issues involved,

- b. Allow the applicant to understand the development review process and required submissions, including the required fees,
  - c. Identify any issues that need to be addressed in the formal application, and
  - d. Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
  - e. Schedule a Site Visit.
3. Site Visit: At the pre-application meeting, the Planning Board may schedule a site visit if deemed necessary.
4. Information Required: There are no formal submission requirements for a pre-application meeting. However, the applicant is encouraged to submit a sketch plan and narrative, and be prepared to describe the following topics:
- a. The proposed site, including its location, size, and general characteristics (a sketch plan of the site and proposed project is strongly recommended),
  - b. The nature of the proposed use and potential development,
  - c. A site inventory, analysis and a narrative and/or plan describing how the proposed development plan relates to the site inventory and analysis,
  - d. Copies of any available deeds and easements affecting the subject lot(s),
  - e. Any issues or questions about existing municipal regulations and their applicability to the project,
  - f. Any requests for waivers from the submission requirements.
5. Site Plan Review Applications within the Groundwater Protection Overlay District: The CEO shall notify the Yarmouth Water District of the date, time and place of the pre-application meeting at least 7 days prior to the conference if the proposed use is to be located within the Groundwater Protection Overlay District.
6. Site Plan Review Applications within the Royal River Corridor Overlay District: The CEO shall notify the Royal River Conservation Trust of the date, time and place of the pre-application meeting at least 7 days prior to the conference if the proposed use is to be located within the Royal River Corridor Overlay District.
- B. **Application Submission and Review Procedures:** The applicant shall prepare and submit a Site Plan Review application, including a development plan and supporting documentation meeting the submission requirements set forth below. This material shall be submitted to the Code Enforcement Officer (CEO).
1. The CEO shall make a preliminary determination of whether the application is complete within 14 (fourteen) days of receipt, before the application is placed on the Planning Board's agenda.

- a. The CEO or their designee shall notify the applicant in writing of this finding. If the CEO determines that the application is incomplete, the notice shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted.
- ~~1-2.~~ The Office of the CEO shall circulate copies of the application to staff including but not limited to: Fire Chief, Road Commissioner, and Yarmouth Water District and other interested parties, as appropriate. [Amended 6/12/10]
- ~~2-3.~~ If the proposed use is located within the Groundwater Overlay District, the applicant shall mail a complete copy of the application to the Yarmouth Water District at least two weeks prior to the date of the first meeting at which the application is to be considered.
- ~~3-4.~~ Within thirty (30) days of the receipt of a formal Site Plan Review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Planning Board may vote to either table the application to a specific date and time or reject the application. The CEO will notify the applicant in writing of this finding. If the application is rejected, a future submission will be reviewed as a new application.
- ~~4-5.~~ Public Hearing: Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (30) days of finding the application complete, or at the next regularly scheduled Board meeting, after the Board's determination it has received a complete application, whichever occurs first. The CEO will publish the notice of the date, time, and place of the hearing in a newspaper of general circulation in the town & town website, the date of the publication to be at least seven (7) days prior to the hearing. The applicant shall notify all property owners within five hundred (500) ft of the parcel on which a proposed development is located at least fourteen (14) days prior to the meeting at which the application is to be considered. The notice shall include an accurate description of the project, date, time & location of the public hearing and the availability of the application for review via certified mail. The Applicant must contact the CEO for abutter list thirty (30) days prior to the meeting. Evidence of mailing shall be submitted to the CEO prior to the hearing; provided, however that the failure of any abutting property owner to receive a notice of public hearing shall not necessitate another hearing, nor shall it invalidate any decision of the Planning Board with regard to that particular application.
- ~~5-6.~~ If the applicant wishes to submit additional information, the supplemental information must be submitted to the CEO at least ~~fourteen~~ ten (14) days prior to the Planning Board meeting where it is to be considered, otherwise the supplemental information will not be included in Board packets for that meeting. New or updated materials will only be allowed at the meeting at the discretion of the Planning Board Chair. ~~considered at that meeting.~~
- ~~6-7.~~ Site Visit: The Planning Board may hold a site visit to review the existing conditions, field verify the information submitted and investigate a development proposal. The Planning Board may schedule this visit either before or after the first meeting at which the application is considered. The Planning Board ~~may~~ shall reserve the right to postpone ~~decide not to hold a scheduled~~ site visit, if the Board Chair determines that the site visit is not possible due to surface conditions on the site or inclement weather conditions, or due to the unavailability of Planning Board members. ~~when the site is snow covered. If an application is pending during a period when there is snow cover, the deadline by which the Planning Board shall take final action on the application as specified in Subsection B.6. below, may be extended, which extension shall~~

~~not exceed 60 days after the Planning Board is able to conduct an on-site inspection.~~ The CEO shall notify the applicant of the site visit.

~~7.8.~~ The Planning Board shall act to deny, to approve, or to approve the application with conditions. The Planning Board may impose such conditions as are deemed advisable to ensure compliance with the standards of approval.

~~8.9.~~ **Written Findings of Fact:** In issuing its final decision, the Planning Board shall make written findings of fact establishing that the proposed development does or does not meet the standards of approval and other requirements of the town. The Planning Board shall vote to approve the written findings of fact, which shall be included in the final written decision.

~~9.10.~~ The Board shall authorize the CEO to notify the applicant of the action of the Planning Board, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and decision of the Planning Board.

~~10.11.~~ All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

~~**Final Approval and Filing:** Upon completion of the requirements of this Section and an approval vote by the majority of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by a majority of the members of the Planning Board and must be filed with the CEO. It is the applicant's responsibility to assure that a complete application is filed with the CEO within 60 days of the date upon which such plan is approved and signed by the Planning Board, or the permit shall become null and void. Performance guarantees pursuant to Section 3.8. Performance Guarantees, if applicable.~~

**C. Final Approval and Filing:** Upon completion of the requirements of this Section and an approval vote by the majority vote of the Planning Board, the application shall be deemed to have final approval and the site plan shall be signed by the majority of the members of the Planning Board and missed be filed with the CEO.

1. It is the applicant's responsibility to assure that a complete application is filed with the CEO with sixty (60) days of the date upon which such plan is approved and signed by the Planning Board, or the permit shall be null and void.

2. Performance guarantees shall be secured in accordance with Section 3.8 Performance Guarantees, if applicable.

3. If any phasing is proposed for the project, the applicant shall provide a phasing plan, with the required performance guarantee, that includes the following information:

a. A map depicting the proposed phases of the project.

b. Approximate dates for construction start and completion for each phase of the project.

c. A construction management plan depicting items such as, but not limited to, construction access, material storage and any other information that will help the Planning Board understand the details related to the project's phased construction.

a-d. A phased site plan approval shall be valid for 5 (five) years from the original date of Planning Board approval. The first phase must be commenced within 2 years of approval, and each phase must be completed prior to commencing subsequent phases.

**C.D. Fees:**

1. Application Fee: An application fee, if required, must accompany an application for site plan review. This fee is intended to cover the cost of the town's administrative processing of the application. ~~The fee shall not be refundable. This application fee shall be paid to the town, and evidence of payment of the fee, if required, shall be included with the application. The application shall be accompanied by a non-refundable fee as specified in the Town of North Yarmouth Application, License and Permit Fees Ordinance, to be paid to the town of North Yarmouth stating the specific purpose of the fee. [Amended 6/12/10]~~
2. **Technical Review:** In addition, the Planning Board may refer the developer to a firm, or individual chosen by the Planning Board, for peer review of all submissions. The developer shall pay to the town a sum that the peer reviewer shall budget as sufficient to cover the cost of said review. If after final approval, the sum deposited with the town was more than sufficient to cover the cost, the town shall return the unexpended funds to the developer. If the deposit was not sufficient, the developer shall pay the balance to the town prior to final approval by the Board. If the Board deems a public hearing is necessary, the applicant shall be responsible for the cost associated with the public notice requirements.
3. **Establishment of Fees:** The Select Board may, from time to time and after consultation with the Planning Board and/or CEO, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

**D.E. Submission Requirements:**

1. Applications for Site Plan Review and/or a Conditional Use must be submitted on application forms provided by the town. The complete application form, evidence of payment of the required fees, and the required plans and related information must be submitted to the CEO. The submission must contain at least the following exhibits and information unless specifically waived in writing. ~~The Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held. A waiver of any submission requirement may be granted if the Planning Board makes a finding that the information is not required to determine compliance with the performance and design standards of this Ordinance. The Planning Board shall consider the size, character and intensity of the proposed project in determining which requirements may be waived.~~
- ~~2. Applications for a Single Family Dwelling, Accessory Apartment or Home Occupation in the Royal River Corridor Overlay District or change of use in any district for which Planning Board review is required must contain the following information: [Amended 06/16/12]~~
- ~~3.1. 
  - a. Completed building/land use application form – all applications for building/land use permits shall be submitted on forms provided for that purpose.
  - b.a. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
  - c.a. Receipt of the application fee, payable to the town to North Yarmouth
  - d.a. A schedule of construction, including beginning and completion dates
  - e.a. A map drawn to scale, showing the location, boundaries, dimensions, uses and size of the~~

~~following: site; type of structure; setbacks from the front, side, rear lot lines; signage; parking areas; and existing and proposed driveways or right of ways. The map shall also show the location of water lines, sewer lines, wells, septic systems and of all bodies of water, including wetlands and their distances from all structures proposed for the site.~~

~~f.a. A written erosion and sedimentation control plan for activity during construction and after construction.~~

~~g.a. Any other information necessary to show the proposal complies with the applicable provisions of this Ordinance, including Section VIII. General Requirements: Applicable to All Land Uses, and Section 9.3 Royal River Corridor Overlay District.~~

~~h.a. A list of all other state and federal permits required by the proposal.~~

~~i.a. Evidence that a subsurface wastewater disposal permit has been secured (if required) by the applicant or his authorized agent.~~

**4.2. All Other Applications for Site Plan Review and/or Conditional Use Approval, other than a single family dwelling, accessory apartment or home occupation,** must contain the following information:

- a. A fully executed and signed copy of the application for site plan review, plus ten (10) copies of the same or as requested by the CEO.
- b. Evidence of payment of the application and technical review fees.
- c. Ten (10) copies of written materials plus ten (10) sets of maps or drawings containing the information listed below, along with one (1) electronic version of the entire submission. The written materials must be contained in a bound report. The original maps or drawings must be at a scale sufficient to allow review of the items listed under the approval standards and criteria, but in no case shall be more than 100 feet to the inch for that portion of the tract of land being proposed for development. Map sets may be reduced to a size of 11 by 17 inches.



d. **General Information:**

- 1) Record owner's name, address, and phone number and applicant's name, address and phone number, if different.
- ~~2) The location of all required building setbacks and buffers.~~
- ~~3)2) \_\_\_\_\_~~ Names and addresses of all property owners within 500 feet of any and all property boundaries.
- ~~4)3) \_\_\_\_\_~~ Sketch map showing general location of the site within the town based upon a reduction of the tax maps.
- ~~5)4) \_\_\_\_\_~~ Boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
- ~~6)5) \_\_\_\_\_~~ The tax map and lot number of the parcel or parcels on which the project is located.
- ~~7)6) \_\_\_\_\_~~ A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- ~~8)7) \_\_\_\_\_~~ The name, registration number, and seal of the person who prepared the plan, if applicable.
- ~~9)8) \_\_\_\_\_~~ Evidence of the applicant's technical and financial capability to carry out the project as proposed.

e. **Existing Conditions:**

- 1) Zoning classification(s), including overlay districts, of the property and the location of zoning district boundaries if the property is located 2 or more zoning districts and/or overlay districts or abuts a different district.
- ~~2) The bearings and length of all property lines of the property to be developed and the source of this information. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.~~
- ~~2) \_\_\_\_\_~~
- ~~3) \_\_\_\_\_~~
- ~~4) Location and size of any existing sewer and water mains, culverts and drains, on-site sewage disposal systems, wells, underground tanks or installations, and power and telephone lines and poles on the property to be developed, on abutting streets, or land that may serve the development, and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.~~
- ~~3) \_\_\_\_\_~~
- ~~5) \_\_\_\_\_~~
- ~~6) \_\_\_\_\_~~ Location, names, and present widths of existing public and/or private roads and rights-
- ~~7) \_\_\_\_\_~~
- ~~8)4) \_\_\_\_\_~~ of-way within or adjacent to the proposed development.

9)5) \_\_\_\_\_ The location, dimensions and ground floor elevation of all existing buildings on the site.

- ~~40)6)~~ The location and dimensions of existing driveways, streets, roads, parking and loading areas, walkways, and sidewalks on or immediately adjacent to the site.
- ~~41)7)~~ Location of intersecting streets, roads or driveways within two hundred (200) feet of the site.
- 8) The location of open drainage courses, rivers, ponds, wetlands, vernal pools, streams, brooks, stone walls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, 100-year floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.
- ~~42)9)~~ Any project 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 CEO or Planning Board shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least thirty (30) days prior to action being taken by the Planning Board. The Planning Board shall consider comments received from the Maine Historic Preservation Commission prior to rendering a decision on the application.
- ~~43)10)~~ The direction of existing surface water drainage across the site.
- 11) The location, front view, dimensions, and lighting of existing signs.
- ~~44)12)~~ The location of all required building setbacks and any existing buffers on the property.
- ~~45)13)~~ Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- 14) The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.
- ~~46)15)~~ All projects shall include written certification as to the location of the 100-year floodplain boundary to include a map of the 100-year floodplain boundary overlaid onto a U.S.G.S. Quadrangle Map or other topographic map by a professional land surveyor, registered professional engineer or architect. The determination shall be based on engineering practices recognized by the Federal Emergency Management Agency (FEMA) and the provisions of the Town's Floodplain Management Ordinance, including the most recent FEMA maps for the Town. All proposals shall include base flood elevations, flood boundaries, and, in a riverine 100-year floodplain, floodway data. These determinations shall be based on engineering practices recognized by FEMA. The development plan should include a statement that building is prohibited on the 100-year floodplain, and the restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure.



f. Proposed Development Activity:

- 1) Estimated demand for water supply and sewage disposal together with the location and dimensions of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.
- 2) The direction of proposed surface water drainage across the site and from the site, with an assessment of impacts on downstream properties.
- 3) Provisions for handling all solid waste, including hazardous and special wastes and the location and proposed screening of any on-site collection or storage facilities.
- 4) The location, dimensions, and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways and any changes in traffic flow onto or off-site.

5) A proposed landscaping and buffering plan. The landscaping plan submitted with each application shall identify major existing and proposed trees, shrubs, bushes, plant material, ground cover and natural features such as boulders and rock outcroppings. It shall show present or proposed locations and planting details. The applicant shall include in the plan proposed methods to protect existing trees and growth during and after construction. These may include fences, berms, curbing, tree walls and similar devices.

6)5) \_\_\_\_\_

6) The location and description of any stream, pond, vernal pool and/or wetland buffers as required in Section 10.3. Brook, Pond, Vernal Pool and Wetland Buffers. ~~Submittals shall include a description of maintenance provisions and a list of deed restrictions and/or covenants, and other information as required in Section 10.3. Brook, Pond, Vernal Pool and Wetland Buffers.~~ When buffers are required in accordance with Section 10.3 Brook, Pond, Vernal Pool and Wetland Buffers, the following plan submissions shall be required:

- a. The site plan shall show identified wetland types, the layout of the buffer and the topography of the site. The extent of existing and proposed vegetation and the pre and post development topography shall be depicted on the plan.
- b. Description of the existing vegetation in the proposed buffer area.
- c. If a new buffer is proposed, a description of how the buffer will be developed.
- d. Description of provisions for maintenance of the buffer area including restrictions on earth moving and vegetation clearing.
- e. List of deed restrictions and covenants to be included in deed to all affected properties or lots. A drawing with the buffer location and markers shall be attached to the deed.
- f. Plat with buffer location, marker locations, maintenance provisions, and a list of deed restrictions and/or covenants.

- 7) The location, dimensions, and ground floor elevation of all proposed buildings or building expansions proposed on the site.
- 8) Building elevations showing all sides of the proposed buildings and structures on the site, any existing features and structures proposed to be retained on the site, and abutting buildings, structures and architectural features, such as stone walls and fences,

if such buildings, structures or features are located within 100 feet of the site.

- 9) Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
- 10) The location of all utilities, including fire protection systems.
- 11) A general description of the proposed use or activity, including but not limited to the type of use, square footage involved, hours of operation, types and types and amount of traffic to be generated.
- 12) If the proposed development requires driveways or entrances onto a state or state aid highway, a permit from the Maine Department of Transportation indicating that the driveway or entrances conform to Title 23, section 704 and any rules adopted under that section;
- 13) An estimate of the peak hour and daily traffic to be generated by the project. [A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will provide parking for 50 or more vehicles or generate more than 100 trips during the a.m. or p.m. peak hour based upon the latest edition of the Trip Generation Manual of the Institution of Traffic Engineers.](#)
- ~~13)~~14) Storm water calculations, erosion and sedimentation control measures, and water quality and/or phosphorous export management provisions, if the project requires a storm water permit from the Maine Department of Environmental Protection or if the Planning Board determines that such information is necessary based upon the scale of the project or the existing conditions in the vicinity of the project.
- 15) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site.
- 16) Graphic representations of how the development will look upon completion using artist renderings, photo manipulation, computer generated imaging or similar techniques. The submission of such graphic representations is encouraged for all applications, and many be required by the Planning Board where they determine that the location, scale or nature of the proposal requires such graphic representations to enable the Board to evaluate the application under the performance and design standards of this Ordinance.
- 17) A grading plan showing the existing and proposed topography of the site at 2-foot contour intervals, or such other interval as the Planning Board may determine.
- 18) A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.

- 19) A storm water drainage and erosion control program showing:
- a. The existing and proposed method of handling storm water runoff.
  - b. The direction of flow of the runoff, through the use of arrows.
  - c. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
  - d. Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency; this is required only if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
  - e. Methods of controlling erosion and sedimentation during and after construction.
  - f. A written Soil Erosion and Control Plan shall be required when the total disturbance area is greater than 20,000 square feet per acre.
  - g. A written Soil Erosion and Control Plan shall be required for all developments that propose to remove any natural vegetation and disturb the soil within the Royal River Corridor Overlay District.
- 20) A groundwater impact analysis prepared by groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.
- a. If a site requires an on-site subsurface sewage disposal system it shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules). The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the Rules. A test pit analysis, prepared by a Maine Licensed Site Evaluator shall be provided. A map indicating the location of all test pits dug on the site shall also be submitted.
- ~~A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will provide parking for 50 or more vehicles or generate more than 100 trips during the a.m. or p.m. peak hour based upon the latest edition of the Trip Generation Manual of the Institution of Traffic Engineers.~~
- 21) A written statement from any utility district providing service to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, and the capacity of the sewer system to accommodate additional wastewater if public water or sewerage will be utilized.
- 22) A written statement from the Yarmouth Water District stating that adequate supply and pressure for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities, or distribution system involved. The development shall be responsible for paying the costs of system improvements necessary to serve the development.
- 23) Cost of the proposed development and evidence of the applicant's financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed or available, and individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.

~~g. In addition to the information required above, the Planning Board may require any of the following additional information for a major development:~~

- ~~14)1) \_\_\_\_\_ Graphic representations of how the development will look upon completion using artist renderings, photomanipulation, computer-generated imaging or similar techniques. The submission of such graphic representations is encouraged for all applications, and may be required by the Planning Board where they determine that the location, scale or nature of the proposal requires such graphic representations to enable the Board to evaluate the application under the performance and design standards of this Ordinance.~~
- ~~15)1) \_\_\_\_\_ A grading plan showing the existing and proposed topography of the site at 2-foot contour intervals, or such other interval as the Planning Board may determine.~~
- ~~16)1) \_\_\_\_\_ A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.~~
- ~~17)1) \_\_\_\_\_ A storm water drainage and erosion control program showing:
  - ~~(a) The existing and proposed method of handling storm water runoff.~~
  - ~~(b)(a) The direction of flow of the runoff, through the use of arrows.~~
  - ~~(c)(a) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.~~
  - ~~(d)(a) Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency; this is required only if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.~~
  - ~~(e)(a) Methods of controlling erosion and sedimentation during and after construction.~~~~
- ~~18)1) \_\_\_\_\_ A groundwater impact analysis prepared by groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.~~
- ~~19)1) \_\_\_\_\_ A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will provide parking for 50 or more vehicles or generate more than 100 trips during the a.m. or p.m. peak hour based upon the latest edition of the Trip Generation Manual of the Institution of Traffic Engineers.~~
- ~~20)1) \_\_\_\_\_ A written statement from any utility district providing service to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, and the capacity of the sewer system to accommodate additional wastewater if public water or sewerage will be utilized.~~
- ~~21)1) \_\_\_\_\_ Cost of the proposed development and evidence of the applicant's financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed or available, and individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.~~
- ~~22)1) \_\_\_\_\_ Performance guarantees pursuant to Section 3-8. Performance Guarantees, if applicable.~~

**h.g. Approval Block:** Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of North Yarmouth, North Yarmouth Planning Board".



**E.F. Minor Changes to Approved Plans:** [Amended 06/16/12]

Minor changes in approved plans necessary to address field conditions may be approved by the Code Enforcement Officer, at the discretion of the Code Enforcement Officer, provided that any such change does not affect compliance with the standards of this Ordinance or the approved plan or alter the essential nature of the proposal. Without limitation, minor changes shall not include (1) a change to a public or private right-of-way or easement, (2) a decrease in proposed buffering or landscaping, or (3) any issue involving a condition placed on the site plan approval.

**F.G. Amendments:** [Amended 06/16/12]

Any alteration to a site which is inconsistent with the approved site plan shall require an amendment to the site plan. Any alteration other than alterations approved by the CEO pursuant to Section 4.4 (F) shall require Planning Board approval prior to the alteration. The applicant may request that changes to an approved site plan that are not subject to approval under Section 4.4 (F) be placed on the Planning Board Agenda.

Prior to placement on the Agenda, the applicant shall meet with the Code Enforcement Officer to review the proposed changes and shall provide ten (10) copies of the revised site plan to the CEO at least fourteen (14) days prior to the next regular Planning Board meeting together with such other materials, which the CEO may limit, to address the scope of the proposed change to the site plan. The Board, at its discretion, may limit their review to the proposed amendments and other related elements.

**SECTION 4.5 GROUNDWATER PROTECTION OVERLAY DISTRICT: ADDITIONAL SUBMISSION REQUIREMENTS**

A. **Requirements:** In addition to the other requirements of this Section, all submittals for permit approval in the Groundwater Protection Overlay District shall include the following list of submissions, as applicable (See Section 9.2. Groundwater Protection Overlay District: Best Management Practices). The permitting authority, Planning Board or CEO, may modify or waive any of the following submission requirements because of the size or nature of the project or circumstances of the site such that requirement(s) would not be applicable and would not affect or conflict with the purposes of this Ordinance. The applicant shall provide information and materials as will enable the permitting authority to determine that standards for approval have been met, including appropriate hydrogeologic assessments, if applicable.

**B. Submissions:**

1. **A Site Plan** drawn to scale showing the following information:
  - a. The boundaries of the Groundwater Protection Overlay District, labeled if crosses the parcel
  - b. The location, size and description of all storage tanks and areas and types of materials to be stored
  - c. Location and size, capacity and design of subsurface waste disposal systems and grease traps
  - d. Location of nearby wells or surface water bodies

- e. Location of existing or proposed monitoring wells
- f. Locations and dimensions of buildings, parking, streets and roads and any other impervious structures or surfaces

2. **Written information:**

- a. Complete list of all chemicals, pesticides, fuels, nutrients (fertilizers, manure) and other potentially toxic or hazardous materials to be used or stored on the premises, and the quantities of these materials
- b. List of equipment to be used, parked, or stored
- c. Groundwater protection and pollution prevention provisions, and provisions to follow best management practices (including long-term maintenance provisions)
- d. Spill prevention plans and personnel training, if applicable
- e. Proposed method of performance guarantee, if applicable
- f. Any restrictions, conditions, covenants and easements
- g. A hydro geologic assessment of the proposed use or activity's impact on groundwater
- h. Background water quality data from on-site monitoring wells
- i. Any other information necessary to prove that the activity or use will not adversely impact the groundwater quality.

C. **Additional Requirements for Certain Activities:** More than one of the categories listed below may apply to a particular use. Applicants should review the Best Management Practices in Section 9.2 Groundwater Protection Overlay District: Best Management Practices, and request assistance from the CEO and/or Planning Board should there be questions as to which categories apply.

1. **Subsurface Wastewater Disposal, Sewage Disposal and Subsurface Injection:**

Provisions for sewage disposal including:

- a. Soil evaluator's report and septic system design
- b. Location of test pits keyed to site evaluator's or soil scientist's report
- c. For sites/uses producing more than 1,000 gallons of sewage per day, a hydrogeologic assessment of nitrate concentrations at the property line
- d. Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a registered professional engineer or the sewer system superintendent
- e. Provisions and designs for all floor drains, grease traps, and holding tanks

2. **Construction/Demolition** Provisions for solid waste, waste materials, and chemical handling, storage and disposal:

- a. Provisions for sanitary facility
  - b. Provisions for fuel storage and refueling
  - c. Provisions for storage of any liquid chemicals used in the construction process
  - d. Provisions for storage of any bulk chemicals used in the construction process
  - e. Spill clean-up plans, personnel responsible for inspections and clean-up, spill clean up materials available on-site
3. **Storm Water Management:** Engineering calculations and plans that provide:
- a. Design and capacity of subsurface collection facilities
  - b. Location and design of culverts, drains and other storm water control structures, existing and proposed
  - c. Surface drainage plan
  - d. Design of dry wells, storage, retention or detention facilities and other surface water impoundments
  - e. Storm water system outlets
  - f. Delineation of post development drainage areas
  - g. Plans for ice control, use of road salt, and snow removal
4. **Other Impoundments:** Engineering calculations and plans that provide:
- a. Design and capacity of subsurface collection facilities
  - b. Design of dry wells, storage, retention or detention facilities and other surface water impoundments
  - c. Storm water system outlets
  - d. Delineation of post development drainage areas
  - e. Plans for ice control, use of road salt, and snow removal
  - f. Description of source of water, use of water and final water quality (water quality parameters to be specified by applicant)
  - g. Amount of consumptive and non-consumptive water use
5. **Hazardous Materials, Petroleum Products and Other Chemicals: Handling and Storage**
- a. Type and volume of chemical compounds handled and/or stored.

- b. Site plan showing all storage, handling and use areas for raw materials and wastes
- c. For outside areas, details to contain spills including:
  - 1) Drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site
  - 2) Provisions for secondary containment where chemical storage occurs
  - 3) Provisions to collect chemicals should they enter the drainage system
  - 4) Provisions to segregate underground systems to insure that there are no cross connections
  - 5) Statement of emergency measures which can be implemented for surface drainage systems, including mutual aid agreements with hazardous materials spill response contractors
- d. For inside areas, details to contain spills including the:
  - 1) Design of dikes around rooms
  - 2) The location of floor drains and floor drain outlets
  - 3) The location of separators, holding tanks and/or drain outlets
  - 4) The specific location and design of underground storage structures
  - 5) The location and design of piping systems for wash waters and other wastes
  - 6) Measures to insure that inappropriate wastes are discharged and that wastes are discharged to appropriate sewers or treatment systems
- e. A spill prevention and control and countermeasure (SPCC) plan detailing:
  - 1) Materials and equipment to be available
  - 2) A training plan and schedule
  - 3) A list of contacts (Town/Water District/EPA/DEP/local fire officials) with phone numbers
  - 4) An inspection schedule
- f. A report by an industrial professional engineer or other competent professional detailing:
  - 1) Steps which have been taken to reduce the use of hazardous materials
  - 2) Actions which have been taken to control the amount of wastes generated

- 3) Any reports to provide information on the design theory or methodology for the above features
6. Installation of Monitoring Wells
  - a. Location and construction specifications
  - b. Intended purpose
  - c. Sampling schedule and responsible parties
  - d. Provisions for informing appropriate CEO and Yarmouth Water District of sampling results

#### **SECTION 4.6 ROYAL RIVER OVERLAY DISTRICT: ADDITIONAL SUBMISSION REQUIREMENTS**

A. Purpose: Refer to Section 9.3. Royal River Corridor Overlay District in the Land Use Ordinance for information related to the purpose and land areas included in this district.

B. Applications for a Single-Family Dwelling, Accessory Apartment-Dwelling Unit or Home Occupation in this zoning district shall contain the following information:

1. Completed building/land use application form - all applications for building/land use permits shall be submitted on forms provided for that purpose.
2. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
3. Receipt of the application fee, payable to the town to North Yarmouth
4. A schedule of construction, including beginning and completion dates
5. A map drawn to scale, showing the location, boundaries, dimensions, uses and size of the following: site; type of structure; setbacks from the front, side, rear lot lines; signage; parking areas; and existing and proposed driveways or right-of ways. The map shall also show the location of water lines, sewer lines, wells, septic systems and of all bodies of water, including wetlands and their distances from all structures proposed for the site.
6. A written erosion and sedimentation control plan for activity during construction and after construction.
7. Any other information necessary to show the proposal complies with the applicable provisions of this Ordinance, including Section VIII. General Requirements: Applicable to All Land Uses, and Section 9.3 Royal River Corridor Overlay District.
8. A list of all other state and federal permits required by the proposal.
9. Evidence that a subsurface wastewater disposal permit has been secured (if required) by the applicant or his authorized agent.

A.C. **Standards for Site Plan Review:** Uses listed in Section VII. Zoning District Regulations, Table 7-1. Land Uses by District, as requiring Site Plan Review in the Royal River Corridor Overlay District shall be designed to preserve open space and the natural vegetation of the corridor consistent with the town's vision for the Royal River Corridor as described in the Comprehensive Plan and the Open Space Plan. In addition to the submission requirements in Section 3.3. Building/Land Use Permits, the Planning Board shall require that the location of the building envelop be identified on the plan and a written description of the best management practices that will be used to limit soil erosion and sedimentation for all activities within the corridor that will involve disturbance of the natural vegetation, both during and after construction be submitted. The Planning Board may require that the best management practices be pursuant to Section 9.1.U. Erosion and Sedimentation Control.

## **SECTION 4.76 CONDITIONAL USES**

- A. **Purpose:** The purpose of this section is to establish procedures and standards to enable the Planning Board to review applications for Conditional Uses. A Conditional Use is a structure or use that is generally not appropriate in a given district, but with restrictions and if controlled as to location, size and off-site impacts may have no adverse effects upon the public health, safety or welfare, surrounding properties, the natural environment, or on municipal services. The only structures or uses that shall be permitted as conditional uses are those approved as Conditional Uses by the Planning Board.
- B. **Conditional Use Approval Required:** A building, structure or parcel of land may be used for a conditional use if the use is specifically listed as a conditional use in Section VII. Zoning District Regulations, Table 7-1. Land Uses by District, and Conditional Use approval is granted by the Planning Board. Any project involving the establishment of a new conditional use or the construction or expansion of a building, structure or activity for a conditional use must obtain site plan approval in accordance with this Section, Section V. Site Plan Review and Conditional Use Procedures, in addition to obtaining Conditional Use approval from the Planning Board.
- C. **Action on the Application for a Conditional Use Permit:** The Planning Board may affirm, with conditions, or deny the application for a Conditional Use permit. The Planning Board may authorize issuance of a Conditional Use permit, upon a showing that:
1. The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations;
  2. The proposed use will not create hazards to vehicular or pedestrian traffic on the streets, roads and sidewalks serving the proposed use as determined by the size and condition of such streets, roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;
  3. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;
  4. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;
  5. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of

light and air to neighboring properties;

6. The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils that will create or aggravate adverse environmental impacts on surrounding properties;
7. The proposed use will not adversely affect the value of adjacent properties; and
8. The design and external appearance of any proposed building will constitute an attractive and compatible addition to its neighborhood, although it need not have a similar design, appearance or architecture.

**D. Conditions of Approval:**

1. The Planning Board may attach conditions to its approval of a Conditional Use. These conditions may include, but are not limited to, such requirements as:
  - a. Off-street improvements
  - b. Access restrictions
  - c. Hours of use
  - d. Buffering and screening
  - ~~e.~~ Monitoring wells for subsurface sewage disposal systems as required in Section 10.17.
  - ~~f.~~ Utility improvements
  - ~~g.~~ Performance guarantees
2. The Planning Board may require that the terms of any conditions of approval be recorded in the Cumberland County Registry of Deeds.

**E. Duration of a Conditional Use Approval:**

1. Provided all conditions and standards of approval are met, a Conditional Use shall be a continuing grant of permission for as long as the property is used for such purposes. The Conditional Use shall expire if the owner:
  - a. Physically alters the property and/or structure so it can no longer be used for the Conditional Use, or
  - b. Ceases to use the property for the approved Conditional Use for one year or more, or
  - c. Fails to initiate the operation or conduct of the Conditional Use within one year of the date of the Planning Board's vote to grant said approval.
2. A Conditional Use may be expanded in area or function only with the granting of new Conditional Use approval by the Planning Board.

## **V. SUBDIVISION REVIEW PROCEDURES AND CRITERIA**

### **SECTION 5.1 PURPOSES**

The purposes of these regulations are:

1. To provide for an expeditious and efficient process for the review of proposed subdivisions;
2. To clarify the approval criteria of the state Subdivision Law, Title 30-A M.R.S., §4404;
3. To assure new development in the town meets the goals and conforms to the policies of the Comprehensive Plan;
4. To assure the comfort, convenience, safety, health and welfare of the people of the town;
5. To protect the environment and conserve the natural and cultural resources identified in the Comprehensive Plan as important to the community;
6. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
7. To minimize the potential impacts from new subdivisions on neighboring properties and on the town;  
and
8. To promote the development of an economically sound and stable community.

### **SECTION 5.2 AUTHORITY AND ADMINISTRATION**

These regulations are in accordance with the provisions of Title 30-A M.R.S., §§4401-4408.

- A. Authority. The Planning Board shall administer these regulations. The provisions of these regulations shall pertain to all land and buildings proposed for subdivision within the boundaries of the town of North Yarmouth.

#### **B. Waivers of**

1. Application Requirements: The Planning Board may waive any of the submission requirements in this ordinance based upon a written request by the applicant. The applicant shall utilize the Town's Waiver Request form for any request. Such request must be made at the time of the pre-application conference or at the initial review of the application if no pre-application conference is held and provide narrative justifying the request. A waiver of any submission requirement may be granted only if the Planning Board finds that the information is not required to determine compliance with the standards of the relevant ordinance standard, this Ordinance. The Planning Board shall consider the size, character and intensity of the proposed project in determining which requirements may be waived.
2. Performance standards. The Planning Board may waive any of the review standards found in Section VIII. General Requirements: Applicable to All Uses, Section X. Performance and Design Standards for Site Plan Review and Subdivision Review and Section XI. Standards for Specific Activities, if it finds that extraordinary and unnecessary hardships, not self-imposed, may result from strict compliance with the review standards.
  - a. In all cases, waivers shall not be deemed a right of the applicant, but rather shall be granted at the discretion of the Planning Board.
  - b. The applicant shall utilize the Towns Waiver Request form for any request. A waiver of any performance standard



3. Waivers of Performance Standards to be shown on Approved Plan: All waivers of performance standards granted by the Planning Board shall be noted on the approved plan, including the date in which they were granted.

### SECTION 5.3 PRE-APPLICATION MEETING, SKETCH PLAN AND SITE VISIT [AMENDED 6/19/21]

- A. **Purpose:** The purpose of the pre-application meeting and site visit is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.
- B. **Procedure:**
1. The applicant shall present the pre-application sketch plan and make a verbal presentation regarding the site and the proposed subdivision. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application. The date of the on-site inspection may be selected at this time.
  2. The Planning Board CEO shall notify the North Yarmouth Road Commissioner, local law enforcement, the Yarmouth Water District (if applicable) and North Yarmouth Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of streets and roads, and the size and construction characteristics of any permitted building types with multiple residential units, and commercial or industrial buildings. The Planning Board CEO shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
  - ~~4. **Interested Stakeholders:** The CEO shall invite the Interested Stakeholders to this meeting if any portion of the subdivision is located within the Groundwater Protection Overlay District or if the subdivision intends to utilize the public water supply system. The applicant shall provide a copy of the pre-application sketch plan to the Yarmouth Water District at least one week prior to the pre-application meeting.~~
- C. **Submission:** The pre-application sketch plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does ~~not~~ not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Planning Board to show site conditions such as high value open space areas (listed B.3), steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The sketch plan shall be accompanied by:
1. A copy of a portion of the U.S.G.S. topographic map and an aerial map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than 10 acres in size.
  2. A copy of that portion of the Cumberland County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision.
  3. A copy of any available deeds, easements and encumbrances applicable to the proposed

subdivision.

- D. **Site Visit:** The Planning Board ~~shall endeavor to may~~ hold a site visit of the property to review existing conditions, field verify the information submitted and investigate a development proposal. The Planning Board may schedule this visit either before or after the first meeting at which the application is considered. within 30 days of the Pre-application meeting. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the site visit. The Planning Board shall reserve the right to postpone the site visit, if the Board Chair determines that the site visit is not possible due to surface conditions of the site and inclement weather conditions, such as, but not limited to, snow cover, flooding rains, and frozen ground, or due to the unavailability of Planning Board members. The CEO shall notify the applicant of the site visit.
- E. **Rights not Vested:** The pre-application meeting, the submittal or review of the sketch plan or the site visit shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S. §302.

#### SECTION 5.4 SPECIAL SUBMISSION REQUIREMENTS

- A. **Yarmouth Water District Review Required for Subdivisions Within the Groundwater Protection Overlay District or Proposing to Utilize the Public Water Supply:** If any portion of the subdivision is located within the Groundwater Protection Overlay District, or is to be served by the public water supply, the applicant shall submit complete preliminary and final plans, as submitted to the Planning Board, to the Yarmouth Water District, and obtain written comments from the Yarmouth Water District regarding the subdivision's impact on the public water supply, and/or the District's agreement to provide public water service to the development, if applicable. The Yarmouth Water District's input shall be advisory.

#### SECTION 5.5 MINOR SUBDIVISION [AMENDED 6/19/21;4/30/22]

- A. **General:** The Planning Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S. §4404 (See Section 5.12 Subdivision Review Criteria), or the standards of this Ordinance, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.
- B. **Procedure:**
1. Within (6) months after the site visit by the Planning Board, the applicant shall submit an application to the CEO for approval of a final plan at least thirty (30) days prior to a scheduled meeting of the Planning Board. Failure to submit the application within six (6) months shall require resubmission of the sketch plan to the Planning Board. The final plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Planning Board. [Amended 6/12/10]
  2. **Application Fee:** The application shall be accompanied by a non-refundable fee as specified in the Town of North Yarmouth Application, License and Permit Fees Ordinance, to be paid by check to the town of North Yarmouth stating the specific purpose of the fee. [Amended 6/12/10]
  3. **Technical Review:** In addition, the Planning Board shall refer the developer to a firm, or individual chosen by the Planning Board, for peer review of all submissions. The developer shall pay to the town a sum that the peer reviewer shall budget as sufficient to cover the cost of said review. If after final approval, the sum deposited with the town was more than sufficient to cover the cost, the town shall return the unexpended funds to the developer. If

the deposit was not sufficient, the developer shall pay the balance to the town prior to final approval by the Planning Board. If the Planning Board deems a public hearing is necessary, the applicant shall be responsible for the public notice requirements in subsection 7 below.

4. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to present the final plan. At the meeting at which an application for final plan approval of a minor subdivision is initially presented, the Planning Board shall issue a dated receipt to the applicant
  - a. Require that the applicant notify in writing all large and small public drinking water suppliers, if any portion of the subdivision is within a water source protection area, and provide evidence that the notification was mailed.
  - b. Require that the applicant notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary, and provide evidence that the notification was mailed.
- ~~5.~~ If at any time, the applicant wishes to bring additional information before the Board, the supplemental information must be submitted to the CEO at least ~~fourteen~~ ten (14/10) days prior to the Planning Board meeting, otherwise the supplemental information will not be included in Board packets for that meeting. New or updated materials will only be allowed at the meeting at the discretion of the Planning Board Chair. ~~considered by the Planning Board.~~ [Amended 6/12/10]
- ~~6.5.~~
- ~~7.6.~~ **Determination of a Complete Application:** Within thirty (30) days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.
- ~~8.7.~~ **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (30) days of finding the application complete, or at the next regularly scheduled Board meeting, after the Board's determination it has received a complete application, whichever occurs first. The CEO will publish the notice of the date, time, and place of the hearing in a newspaper of general circulation in the town & town website, the date of the publication to be at least seven (7) days prior to the hearing. The applicant shall notify all property owners within five hundred (500) ft of the parcel on which a proposed development is located at least fourteen (14) days prior to the meeting at which the application is to be considered. The notice shall include an accurate description of the project, date, time & location of the public hearing and the availability of the application for review via certified mail. The Applicant must contact the CEO for a butter list thirty (30) days prior to the meeting. Evidence of mailing shall be submitted to the CEO prior to the hearing; provided, however that the failure of any abutting property owner to receive a notice of public hearing shall not necessitate another hearing, nor shall it invalidate any decision of the Planning Board with regard to that particular application.
- ~~9.8.~~ **Findings of Fact and Decision:** Within thirty (30) days from the public hearing or within 60 days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the

criteria contained in Title 30-A M.R.S. §4404, Section 5.12. Subdivision Review Criteria, and the other requirements of the Ordinance. If the Planning Board finds that all the criteria of the Statute and the requirements of this Ordinance have been met, they shall approve the final plan. If the Planning Board finds that any of the review criteria of the statute or Section 5.12. Subdivision Review Criteria, or the standards of Section X. Performance and Design Standards for Site Plan Review and Subdivisions Review, or any other provisions of this Ordinance have not been met, the Planning Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The Planning Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.

C. **Submissions:** The final plan application shall consist of the following items:

1. A complete Application Form, along with ten (10) copies of all required submissions plus one (1) electronic copy of all submission materials.
2. **Location Map:** The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the town. The location map shall show:
  - a. Existing subdivisions in the proximity of the proposed subdivision.
  - b. Locations and names of existing and proposed roads and streets.
  - c. Boundaries and designations of zoning districts, including overlay districts.
  - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire contiguous holding.
  - e.
3. **Final Plan:** ~~The subdivision plan for a Minor Subdivision shall consist of one reproducible, stable-based transparency to be recorded at the Cumberland County Registry of Deeds and a paper copy for review by the Planning Board. The reproducible transparency shall be embossed with the seal of the individual responsible for preparation of the plan.~~ Two (2) full size plan sets measuring twenty-four (24) by thirty-six (36) inches along with eight (8) reduced size plan sets measuring eleven (11) by seventeen (17) inches, along with 10 copies of all submission materials must accompany the subdivision application.
  - a. The plan shall be drawn to a scale of not more than one hundred (100) feet to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read.
  - b. ~~Plans shall be no larger than twenty (24) by thirty six (36) inches in size, and shall have a margin of two (2) inches outside of the borderlines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Planning Board. A copy of the subdivision plan(s) shall be reduced to a size of eleven (11) by seventeen (17) inches. Eight (8) copies of the reduced plan(s) plus all accompanying information shall be submitted to the CEO. The CEO shall provide a complete copy of the application to each Planning Board member no less than 7 days prior to the meeting. If any part of the subdivision is located within the Groundwater Protection Overlay District, a reduced copy of the plan and all accompanying material shall be provided to the Yarmouth Water District no less than 7 days prior to the meeting.~~

4. **Application—Submission Requirements:** The application for approval of a Minor Subdivision shall include the following information. The Planning Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S §4404 or Section 5.12 Subdivision Review Criteria, are met.
- a) Proposed name of the subdivision, or identifying title, and the name of the town in which it is located, plus the assessor's map and lot numbers.
  - b) Verification of right, title, or interest in the property.
  - c) A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
  - d) A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
  - e) A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
  - f) An indication of the type of sewage disposal to be used in the subdivision.
    - i) If a project requires an on-site subsurface sewage disposal system it shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules). The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the Rules. A test pit analysis, prepared by a Maine Licensed Site Evaluator shall be provided. A map indicating the location of all test pits dug on the site shall also be submitted.
    - ~~i) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.~~
    - ii) When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district, stating that the district has the capacity to collect and treat the wastewater, shall be provided.
  - g) An indication of the type of water supply system(s) to be used in the subdivision.
    - i) When water is to be supplied by public water supply,
      - (1) -a written statement from the Yarmouth Water District stating that adequate supply and pressure for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities, or distribution system involved.
      - (2) A written statement from the Yarmouth Water District and the North Yarmouth Fire Chief approving the complete design of the water supply system including the materials, size and location of mains, gate valves, hydrants and service connections.
      - ~~—The development shall be responsible for paying the costs of system~~

improvements necessary to serve the subdivision.

~~a written statement from the Yarmouth Water District shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the district approves the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the North Yarmouth Fire Chief, stating approval of the location of fire hydrants, if any, and a written statement from the district approving the design of the extension shall be submitted.~~

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

- h) The date the plan was prepared, north point, and graphic map scale.
- i) The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.
- j) A high intensity soil survey by a Maine certified soil scientist. Wetland areas shall be identified on the survey, regardless of size.
- k) The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation. [Amended 5/13/06]
- l) The location of all rivers, streams, brooks, wetlands, vernal pools or other water bodies within or adjacent (within 150 feet) to the proposed subdivision. When buffers are required in accordance with Section 10.3 Brook, Pond, Vernal Pool and Wetland Buffers, the following plan submissions shall be required:

  - i) The site plan shall show identified wetland types, the layout of the buffer and the topography of the site. The extent of existing and proposed vegetation and the pre and post development topography shall be depicted on the plan.
  - ii) Description of the existing vegetation in the proposed buffer area.
  - iii) If a new buffer is proposed, a description of how the buffer will be developed.
  - iv) Description of provisions for maintenance of the buffer area including restrictions on earth moving and vegetation clearing.
  - v) List of deed restrictions and covenants to be included in deed to all affected properties or lots. A drawing with the buffer location and markers shall be attached to the deed.
  - vi) Plat with buffer location, marker locations, maintenance provisions, and a list of deed restrictions and/or covenants.

~~The location and description of any stream, pond, vernal pool and/or wetland buffers as required in Section 10.3. Brook, Pond, Vernal Pool and Wetland Buffers. Submittals shall include a description of maintenance provisions and a list of deed restrictions and/or covenants, and other information as required in Section 10.3. Brook, Pond, Vernal Pool and Wetland Buffers.~~

~~m) Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.~~

- m)n) The zoning district(s) in which the proposed subdivision is located and location of any zoning boundaries affecting the subdivision.
- n)o) The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- o)p) The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.
- p)q) In order to facilitate the addition of the subdivision into the town property records and geographic information system, the applicant shall submit subdivision plans in electronic format in AutoCAD, GIS or other similar format (if available). Survey grade GPS data (specifically pin locations, wetland boundaries, etc.) when available, should also be submitted; these data should be clearly attributed so a user knows what the points/lines are referring to.



- r) The location of any open space to be preserved and a description of proposed improvements and its management. If any portion of the subdivision is located within the Royal River Corridor Overlay District, a Royal River Corridor Management Plan that includes the location of any building envelopes, preserves natural beauty, enhances wildlife habitat and corridors, considers public access to water bodies and inter-connected trails, and shows how the subdivision development will contribute to the town's vision for the Royal River Corridor as described in the town's Comprehensive Plan and the Open Space Plan.
- i) Additionally, the following items must be submitted:
    - (1) A description of all common open space and any other lands and facilities proposed to be owned by the Town, a conservation organization, or a homeowner's association, or that will be permanently protected by conservation easements. This description shall include a map indicating the approximate location of these lands and facilities.
    - (2) A description of proposed ownership arrangements for the parcels as identified in Section 10.23.D.1.
    - (3) A description of the proposed conservation restrictions that will permanently protect these parcels.
    - (4) A description of the proposed arrangements and the responsible party for the long-term stewardship of the common open space including management objectives and techniques for each parcel or area.
  - ii) The Planning Board may waive the recreation & open space land requirements set forth in Section 10.23 if the Planning Board makes a written finding, supported by an explanation, that the useable open space and/or recreation land is not necessary due to the location of the proposed development near existing publicly accessible open space/recreation land; or where there are no opportunities to contribute to a network of open space land, or interconnected trails, walkways and/or bicycle paths. The applicant must submit a written request for the waiver and provide evidence necessary for the Planning Board to make it writing findings.
- q)s) All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the town or a Planning Board approved land trust, conservation organization or other public entity, of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. If open space or other lands to be offered to the town, written evidence that the Select Board are satisfied with the legal sufficiency of the written offer to convey title shall be included. If any of the open space and/or facilities are to be reserved by the individual unit owners as common open space, the developer shall be required prior to final subdivision plan approval to incorporate a homeowners' association consisting of the individual unit owners, which incorporation must comply with Section 11.09 Homeowner/Property Owners' Associations.
- t) All projects shall include written certification as to the location of the 100-year floodplain boundary to include a map of the 100-year floodplain boundary overlaid onto a U.S.G.S. Quadrangle Map or other topographic map by a professional land surveyor, registered professional engineer or architect. The determination shall be based on engineering practices recognized by the Federal Emergency Management Agency (FEMA) and the provisions of the Town's Floodplain Management Ordinance, including the most recent FEMA maps for the Town. All proposals shall include base flood elevations, flood

boundaries, and, in a riverine 100-year floodplain, floodway data. These determinations shall be based on engineering practices recognized by FEMA. The final plan should include a statement that building is prohibited on the 100-year floodplain, and the restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure.

~~b) If any portion of the subdivision is in a 100-year floodplain, the boundaries of any 100-year floodplain and the 100-year flood elevation, as depicted on the North Yarmouth Flood Insurance Rate Maps and Flood Hazard Boundary Maps, shall be delineated on the plan. A note indicating that building is prohibited in the 100-year floodplain shall also be included on the final plan.~~

~~r)u) A hydrogeologic assessment prepared by a Maine certified geologist or Maine registered professional engineer, experienced in hydrogeology, when public sewer does not serve the subdivision and any part of the subdivision is located within the Groundwater Protection Overlay District or the subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Planning Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or proposed use of shared or common subsurface wastewater disposal systems. The hydrogeological assessment shall be conducted in accordance with the provisions of Section 10.24. Water Quality.~~

~~s)v) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. The Planning Board may require that the trip generation rates used shall be taken from the Trip Generation Manual, 1991 edition, or most recent edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates these sources better reflect local conditions, and if approved by the Planning Board.~~

~~t)w) If the proposed subdivision requires driveways or entrances onto a state or state aid highway, a permit from the Maine Department of Transportation indicating that the driveway or entrances conform to 23 M.R.S. § 704 and any rules adopted under that section;~~

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

~~v)y) A storm water management plan, prepared by a Maine registered professional engineer in accordance with Section 10.21. Storm Water Control.~~

z) A written Soil Erosion and Control Plan shall be required when:

i) The total disturbance area is greater than 20,000 square feet per acre.

ii) For all developments that propose to remove any natural vegetation and disturb

~~the soil within the Royal River Corridor Overlay District. An erosion and sedimentation control plan prepared in accordance with Section 10.6.~~

aa) If any phasing is proposed for the project, the applicant shall provide a phasing plan that includes the following information:

- i) A map depicting the proposed phases of the project.
- ii) Approximate dates for construction start and completion for each phase of the project.
- iii) A construction management plan depicting items such as, but not limited to, construction access, material storage and any other information that will help the Planning Board understand the details related to the project's phased construction.

w)bb) Areas within or adjacent (within 150 feet) to the proposed subdivision which have been identified as conservation land, scenic views, and high or moderate value wildlife habitat by the Beginning with Habitat Program and the Comprehensive Plan. The plan shall indicate appropriate measures for the preservation of these areas in accordance with the provisions of this Ordinance.

x)cc) The location and method of disposal for land clearing and construction debris.

y)dd) Information regarding timber harvesting as required by State Statute (See Section 5.12,19). [Amended 06/16/12]

ee) Submissions pursuant to Section 10.4. Building Design Standards, if applicable.

ff) Any project 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 CEO or Planning Board shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least thirty (30) days prior to action being taken by the Planning Board. The Planning Board shall consider comments received from the Maine Historic Preservation Commission prior to rendering a decision on the application.

**SECTION 5.6 PRELIMINARY PLAN FOR MAJOR SUBDIVISION [AMENDED 6/19/21; 4/30/22]**

**A. Procedure:**

1. Within six (6) months after the site visit by the Planning Board, the applicant shall submit an application for approval of a preliminary plan to the CEO at least thirty (30) days prior to a scheduled meeting of the Planning Board. Failure to submit an application within 6 months shall require resubmission of the sketch plan to the Planning Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Planning Board.
2. **Application Fee:** All applications for preliminary plan approval for a Major Subdivision shall be accompanied by a non-refundable application fee as specified in the Town of North Yarmouth Application, License and Permit Fees Ordinance, to be paid by check to the town of North Yarmouth stating the specific purpose of the fee. [Amended 06/12/10]
3. **Technical Review:** In addition, the Planning Board shall refer the developer to a firm, or individual chosen by the Planning Board, for peer review of all submissions. The developer shall pay to the town a sum that the peer reviewer shall budget as sufficient to cover the cost of said review. If after final approval, the sum deposited with the town was more than sufficient to cover the cost, the town shall return the unexpended funds to the developer. If the deposit was not sufficient, the developer shall pay the balance to the town prior to final approval by the Board.
4. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Planning Board's receipt of the plan until the next meeting that the applicant attends.
5. At the meeting at which an application for preliminary plan approval of a major subdivision is initially present, the Planning Board shall issue a dated receipt to the applicant.
  - a. Require that the applicant notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary, and provide evidence that such notification was mailed.
6. If at any time, the applicant wishes to bring additional information before the Planning Board, the supplemental information must be submitted to the CEO at least ~~fourteen~~ ten (1410) days prior to the Planning Board meeting, otherwise the supplemental information will not be included in Board packets for that meeting. New or updated materials will only be allowed at the meeting at the discretion of the Planning Board Chair. ~~considered by the Planning Board.~~ [6/12/10]
7. **Determination of a Complete Application:** Within thirty (30) days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.
8. **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (30) days of finding the application complete, or at the next regularly scheduled Board meeting, after the Board's determination it has received a complete application, whichever occurs first. The CEO will publish the notice of the date, time, and place of the hearing in a

newspaper of general circulation in the town & town website, the date of the publication to be at least seven (7) days prior to the hearing. The applicant shall notify all property owners within five hundred (500) ft of the parcel on which a proposed development is located at least fourteen (14) days prior to the meeting at which the application is to be considered. The notice shall include an accurate description of the project, date, time & location of the public hearing and the availability of the application for review via certified mail. The Applicant must contact the CEO for abutter list thirty (30) days prior to the meeting. Evidence of mailing shall be submitted to the CEO prior to the hearing; provided, however that the failure of any abutting property owner to receive a notice of public hearing shall not necessitate another hearing, nor shall it invalidate any decision of the Planning Board with regard to that particular application.

9. **Findings of Fact and Decision:** Within thirty (30) days from the public hearing or within sixty (60) days of determining a complete application has been received, if no hearing is held, or within another timelimit as may be otherwise mutually agreed to by the Planning Board and the applicant, the PlanningBoard shall make findings of fact on the application, and approve, approve with conditions, or denythe preliminary plan application. The Planning Board shall specify in writing its findings of facts andreasons for any conditions or denial.
10. When granting approval to a preliminary plan, the Planning Board shall state the conditions of suchapproval, if any, with respect to:
  - a. The specific changes which it will require in the final plan;
  - b. The character and extent of the required improvements for which waivers may have been requested and which the Planning Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
  - c. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
11. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve thefinal plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Planning Board upon fulfillment of the requirements of these regulations and the conditionsof preliminary approval, if any. Prior to the approval of the final plan, the Planning Board may requirethat additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

B. **Submissions:** The preliminary plan application shall consist of the following items:

1. **Application Form**
2. **Location Map:** The location map shall be drawn at a size adequate to show the relationship of theproposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the town. The location map shall show:
  - a. Existing subdivisions in the proximity of the proposed subdivision.
  - b. Locations and names of existing and proposed streets and roads.
  - c. Boundaries and designations of zoning districts.

- d. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
3. **Preliminary Plan:** The preliminary plan shall be submitted in ten (10) copies of one or more maps or drawings, which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. Two (2) full size plan sets measuring twenty-four (24) by thirty-six (36) inches along with eight (8) reduced size plan sets measuring eleven (11) by seventeen (17) inches, along with ten (10) copies of all submission materials must accompany the subdivision application, along with one (1) electronic copy of all submission materials.
- a. The plan shall be drawn to a scale of not more than one hundred (100) feet to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read.
- b. If any part of the subdivision is located within the Groundwater Protection Overlay District, a reduced copy of the plan and all accompanying material shall be provided to the Yarmouth Water District no less than 7 days prior to the meeting.
- ~~3. The preliminary plan shall be drawn to a scale of not more than one hundred (100) feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read. A copy of the subdivision plan(s) shall be eleven (11) by seventeen (17) inches. The CEO shall provide a copy of the reduced plan(s) plus all accompanying information shall be mailed to each Planning Board member no less than seven (7) days prior to the meeting. If any part of the subdivision is located within the Groundwater Protection Overlay District, a reduced copy of the plan and all accompanying material shall be provided to the Yarmouth Water District no less than seven (7) days prior to the meeting. A reduced copy of the plan and all accompanying material shall also be provided to other committees and/or conservation organizations as determined by the Planning Board, CEO or town planning office no less than seven (7) days prior to the meeting.~~
4. **Application Submission Requirements:** The application for preliminary plan approval shall include the following information. The Planning Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S. §4404 or Section 5.12 Subdivision Review Criteria, are met.
- a. Proposed name of the subdivision and the name of the town, in which it is located, plus the Assessor's map and lot numbers.
- b. Verification of right, title or interest in the property.
- c. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a Maine registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
- d. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- e. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- f. An indication of the type of sewage disposal to be used in the subdivision.

- 1) When sewage disposal is to be accomplished by connection to the public sewer, a letter from the sewer district stating that the district has the capacity to collect and treat the wastewater shall be provided.
  - 2) If a project requires an on-site subsurface sewage disposal system it shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules). The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the Rules. A test pit analysis, prepared by a Maine Licensed Site Evaluator shall be provided. A map indicating the location of all test pits dug on the site shall also be submitted.
  - ~~2) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator or certified soil scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.~~
- g. An indication of the type of water supply system(s) to be used in the subdivision.
- 1) When water is to be supplied by public water supply, applicant must provide a written statement from the Yarmouth Water District stating that adequate supply and pressure for both domestic and fire-fighting purposes can be provided without placing an undue burden on the source, treatment facilities, or distribution system involved. The development shall be responsible for paying the costs of system improvements necessary to serve the subdivision.
  - 2) When water is supplied by a new centrally managed water system, applicant must provide evidence of approval of the system by the Maine Drinking Water Program.  
~~a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.~~
- h. The date the plan was prepared, north point, and graphic map scale.
- i. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
- j. A high intensity soil survey by a Maine certified soil scientist. Wetland areas shall be identified on the survey, regardless of size.
- k. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features.
- l. The location of all rivers, streams, brooks, wetlands, vernal pools or other water bodies within or adjacent (within 150 feet) to the proposed subdivision. When buffers are required in accordance with Section 10.3 Brook, Pond, Vernal Pool and Wetland Buffers, the following plan submissions shall be required:
- 1) The site plan shall show identified wetland types, the layout of the buffer and the topography of the site. The extent of existing and proposed vegetation and the pre and post development topography shall be depicted on the plan.
  - 2) Description of the existing vegetation in the proposed buffer area.
  - 3) If a new buffer is proposed, a description of how the buffer will be developed.



- 4) Description of provisions for maintenance of the buffer area including restrictions on earth moving and vegetation clearing.
- 5) List of deed restrictions and covenants to be included in deed to all affected properties or lots. A drawing with the buffer location and markers shall be attached to the deed.
- 6) Plat with buffer location, marker locations, maintenance provisions, and a list of deed restrictions and/or covenants.

~~The location and description of any stream, pond, vernal pool and/or wetland buffers as required in Section 10.3 Brook, Pond, Vernal Pool and Wetland Buffers. Submittals shall include a description of maintenance provisions and a list of deed restrictions and/or covenants, and other information as required in Section 10.3 Brook, Pond, Vernal Pool and Wetland Buffers.~~

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

m.n. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

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

o.p. The location, names, and present widths of existing roads, streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

p.q. The width and location of any streets, public improvements or open space shown upon the official map and the Comprehensive Plan, if any, within the subdivision.

q.r. The proposed lot lines with approximate dimensions and lot areas.

r.s. If the proposed subdivision requires driveways or entrances onto a state or state aid highway, a permit from the Maine Department of Transportation indicating that the driveway or entrances conform to 23 M.R.S. § 704 and any rules adopted under that section;

s.t. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

u. The location of any open space to be preserved and a description of proposed ownership, improvement and management. If any portion of the subdivision is located within the Royal River Corridor Overlay District, a Royal River Corridor Management Plan that includes the location of any building envelopes, preserves natural beauty, enhances wildlife habitat and corridors, considers public access to water bodies and inter-connected trails, and shows how the subdivision development will contribute to the town's vision for the Royal River Corridor as described in the town's Comprehensive Plan and the Open Space Plan.

1) Additionally, the following items must be submitted:

- i. A description of all common open space and any other lands and facilities proposed to be owned by the Town, a conservation organization, or a homeowner's association, or that will be permanently protected by conservation easements. This description shall include a map indicating the approximate location of these lands and facilities.
- ii. A description of proposed ownership arrangements for the parcels as identified

in Section 10.23.D.1.

- iii. A description of the proposed conservation restrictions that will permanently protect these parcels.
- iv. A description of the proposed arrangements and the responsible party for the long-term stewardship of the common open space including management objectives and techniques for each parcel or area.

~~The Planning Board may waive the recreation & open space land requirements set forth in Section 10.23 if the Planning Board makes a written finding, supported by an explanation, that the useable open space and/or recreation land is not necessary due to the location of the proposed development near existing publicly accessible open space/recreation land; or where there are no opportunities to contribute to a network of open space land, or interconnected trails, walkways and/or bicycle paths. The applicant must submit a written request for the waiver and provide evidence necessary for the Planning Board to make it writing findings.~~

~~1)~~

- t.v. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, impermeable surfaces, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.

- w. All projects shall include written certification as to the location of the 100-year floodplain boundary to include a map of the 100-year floodplain boundary overlaid onto a U.S.G.S. Quadrangle Map or other topographic map by a professional land surveyor, registered professional engineer or architect. The determination shall be based on engineering practices recognized by the Federal Emergency Management Agency (FEMA) and the provisions of the Town's Floodplain Management Ordinance, including the most recent FEMA maps for the Town. All proposals shall include base flood elevations, flood boundaries, and, in a riverine 100-year floodplain, floodway data. These determinations shall be based on engineering practices recognized by FEMA. The preliminary plan should include a statement that building is prohibited on the 100-year floodplain, and the restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure.
- ~~u. If any portion of the subdivision is in a 100-year floodplain area, the boundaries of any 100-year floodplain and the 100-year flood elevation, as depicted on the town's Flood Insurance Rate Maps and Flood Hazard Boundary Map, shall be delineated on the plan. A note indicating that building is prohibited in the 100-year floodplain shall also be included on the final plan.~~
- ~~v.x.~~ A hydrogeologic assessment prepared by a Maine certified geologist or Maine registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located within the Groundwater Protection Overlay District or the subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Planning Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000square feet; or proposed use of shared or common subsurface wastewater disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 10.24 Water Quality.
- ~~w.y.~~ An estimate of the amount and type of vehicular traffic to be generated on a daily basis and atpeak hours. Trip generation rates used shall be taken from the *Trip Generation Manual*, 1991 edition, or most recent edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates these sourcesbetter reflect local conditions, and if approved by the Planning Board.
- aa. Areas within or adjacent (within 150 feet) to the proposed subdivision which have been identifiedas conservation land, scenic views, and high or moderate value wildlife habitat by the Beginningwith Habitat Program and the Comprehensive Plan. The plan shall indicate appropriatemeasures for the preservation of these areas in accordance with the provisions of thisOrdinance.
- ~~x.z. bb.~~ Information regarding timber harvesting as required by State Statute (See Section 512,19).  
[Amended 06/16/12]
- y.aa. Any project 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 CEO or Planning Board shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least thirty (30) days prior to action being taken by the Planning Board.

The Planning Board shall consider comments received from the Maine Historic Preservation Commission prior to rendering a decision on the application.

## SECTION 5.7 FINAL PLAN FOR MAJOR SUBDIVISION [AMENDED 6/19/21;4/30/22]

### A. Procedure.

1. Within six (6) months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least thirty (30) days prior to a scheduled meeting of the Planning Board. Applications shall be submitted to the Planning Board in care of the CEO. If the application for the final plan is not submitted within six (6) months after preliminary plan approval, the Planning Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Planning Board.
2. If an applicant cannot submit the final plan within 6 months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Planning Board prior to the expiration of the filing period. The request for an extension shall state the reason for the delay and set forth a timetable for final plan submission. In considering the request for an extension the Planning Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that town ordinances or regulations which may impact on the proposed development have not been amended.
3. **Other Approvals:** Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
  - a. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a wastewater discharge license is needed.
  - b. Maine Department of Human Services, if the applicant proposes to provide a public centrally managed water system.
  - c. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) or advanced wastewater treatment system is to be utilized.
  - d. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
  - e. Maine State Fire Marshall's Office, as appropriate.
  - f. Any other approvals required by local, state or federal law.
4. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the final plan. At the meeting at which an application for final plan approval of a major subdivision is initially presented, the Planning Board shall issue a dated receipt to the applicant.
5. **Determination of a Complete Application:** Within thirty (30) days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

6. **Public Hearing:** Upon a determination that a complete application has been submitted for review, the Planning Board may decide a public hearing is necessary. The hearing shall be held within thirty (30) days of finding the application complete, or at the next regularly scheduled Board meeting, after the Board's determination it has received a complete application, whichever occurs first. The CEO will publish the notice of the date, time, and place of the hearing in a newspaper of general circulation in the town & town website, the date of the publication to be at least seven (7) days prior to the hearing. The applicant shall notify all property owners within five hundred (500) ft of the parcel on which a proposed development is located at least fourteen (14) days prior to the meeting at which the application is to be considered. The notice shall include an accurate description of the project, date, time & location of the public hearing and the availability of the application for review via certified mail. The Applicant must contact the CEO for abutter list thirty (30) days prior to the meeting. Evidence of mailing shall be submitted to the CEO prior to the hearing; provided, however that the failure of any abutting property owner to receive a notice of public hearing shall not necessitate another hearing, nor shall it invalidate any decision of the Planning Board with regard to that particular application.

~~7. The Planning Board shall notify the North Yarmouth Road Commissioner, School Superintendent, local law enforcement, the Yarmouth Water District (if applicable) and North Yarmouth Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of streets and roads, and the size and construction characteristics of any permitted building types with multiple residential units, and commercial or industrial buildings. The Planning Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.~~

~~8-7.~~ Before the Planning Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Section 3.8 Performance Guarantees.

~~9-8.~~ **Findings of Fact and Decision:** Within thirty (30) days from the public hearing or within sixty (60) days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S. Section 4404, Section 5.12 Subdivision Review Criteria, and the standards of this Ordinance. If the Planning Board finds that all the criteria of the statute and the standards of this Ordinance have been met, they shall approve the final plan. If the Planning Board finds that any of the criteria of the statute or the standards of this Ordinance have not been met, the Planning Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

**B. Submissions:** The Final Plan application shall consist of the following.

1. Completed application form, along with 10 copies of all submission materials, must accompany the subdivision application, plus an electronic copy of all submission materials.

2. Final Plan: The Final Plan shall be submitted in ten (10) copies of one or more maps or drawings, which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. Two (2) full size plan sets measuring twenty-four (24) by thirty-six (36) inches along with eight (8) reduced size plan sets measuring eleven (11) by seventeen (17) inches, along with ten (10) paper copies of all required submission materials below, along with one (1) electronic copy of all submission materials.

- a. The final plan set must show all of the information presented on the Preliminary Plan and any amendments thereto suggested or required by the Board.
- b. The plan shall be drawn to a scale of not more than one hundred (100) feet to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read.
- c. If any part of the subdivision is located within the Groundwater Protection Overlay District, a reduced copy of the plan and all accompanying material shall be provided to the Yarmouth Water District no less than 7 days prior to the meeting.

C. **Submission Requirements:** The application for approval of a Final Subdivision shall include the following information. The Planning Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S §4404 or Section 5.12 Subdivision Review Criteria, are met.

- ~~B. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred (200) feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than twenty four (24) by thirty six (36) inches in size, and shall have a margin of two (2) inches outside of the borderline on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Planning Board. The final plan submission shall consist of one reproducible, stable-based transparency to be recorded at the Cumberland County Registry of Deeds, and a paper copy for review by the Planning Board. Following approval of the Final Plan by the Planning Board, the applicant shall submit a copy of the Final Plan as recorded at the Cumberland County Registry of Deeds, to include all recording information and Planning Board signatures.~~

~~In addition, the applicant shall submit ten (10) copies of the final plan reduced to a size of eleven (11) by seventeen (17) inches, and all accompanying information. A copy of the final plan(s) and all accompanying information shall be provided to each Planning Board member no less than (seven) 7 days prior to the meeting. If any portion of the subdivision is located within the Groundwater Protection Overlay District a reduced copy of the final plan and all accompanying information shall also be provided to the Yarmouth Water District.~~

- ~~1. Proposed name of the subdivision and the name of the town in which it is located, plus the assessor's map and lot numbers.~~
- ~~2. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.~~
- ~~3. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.~~
- ~~4. An indication of the type of water supply system(s) to be used in the subdivision.~~
  - ~~a. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the North Yarmouth Fire Chief approving all hydrant locations or other fire protection measures~~

~~deemed necessary.~~

- ~~b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.~~
- ~~c. When water is supplied by a new public water system, evidence of approval of the system by the Maine Drinking Water Program.~~
- ~~5. The date the plan was prepared, north point, graphic map scale.~~
- ~~6. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.~~
- ~~7. The location of any zoning boundaries affecting the subdivision.~~
- ~~8. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.~~
- ~~9. The location and size of existing and proposed sewers, water mains, culverts, and drainage way on or adjacent to the property to be subdivided.~~
- ~~10. The location, names, and present widths of existing and proposed streets, roads, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a Maine registered land surveyor. The original reproducible plan shall be embossed with the seal of the Maine registered land surveyor and be signed by that individual.~~
- ~~11. Road/street plans, meeting the requirements of Sections VIII & X and the town's Roadway Ordinance.~~
- ~~12. A storm water management plan, prepared by a Maine registered professional engineer in accordance with Section 10.21 Storm Water Control.
  - ~~a. An erosion and sedimentation control plan prepared by a Maine registered professional engineer in accordance with Section 10.6 Erosion and Sedimentation Control.~~~~
- ~~13. The width and location of any streets or public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.~~

1. Copies of any approval from outside agencies per section 5.7.A.3.

14.2. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the town of all public ways and open spaces shown on the Plan, and copies of agreements or other documents, such as homeowner's association bylaws, showing the manner in which open spaces and/or facilities to be retained by the developer or lot owners are to be maintained shall be submitted. If any of the open space and/or facilities are to be reserved by the individual unit owners as common open



space, the developer shall be required prior to final subdivision plan approval to incorporate a homeowners' association consisting of the individual unitowners, which incorporation must comply with Section 11.09 Homeowner/Property Owners' Associations. The Planning Board may require written evidence from an attorney that the required documents are legally sufficient to preserve and maintain common open space, recreation land and other common facilities. If proposed streets and/or open spaces or other land is to be offered to the town, written evidence that the Select Board are satisfied with the legal sufficiency of the written offer to convey title shall be included.

- ~~— All projects shall include written certification as to the location of the 100-year floodplain boundary to include a map of the 100-year floodplain boundary overlaid onto a U.S.G.S. Quadrangle Map or other topographic map by a professional land surveyor, registered professional engineer or architect. The determination shall be based on engineering practices recognized by the Federal Emergency Management Agency (FEMA) and the provisions of the Town's Floodplain Management Ordinance, including the most recent FEMA maps for the Town. All proposals shall include base flood elevations, flood boundaries, and, in a riverine 100-year floodplain, floodway data. These determinations shall be based on engineering practices recognized by FEMA. The final plan should include a statement that building is prohibited on the 100-year floodplain, and the restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure.~~
- 1. ~~The boundaries of the 100-year flood plain as depicted on the town's Flood Hazard Boundary Map and Flood Insurance Rate Map shall be delineated on the plan.~~
- 3. A list of construction items along with cost estimates for all off-site and the following on-site improvements, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.
  - a. Site preparation, including but not limited to clearing, grading, excavation, or blasting.
  - b. Any public or private streets and associated sidewalks and any sidewalks providing access to the site from existing public or private streets.
  - c. Lighting, landscaping, public amenities and utilities in all street rights-of-way and all common areas.
  - a-d. Other public or common area improvements such as recreation or open space elements.
- 2. ~~A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the town, or quasi-municipal districts. These lists shall include but not be limited to:~~
  - a. ~~Schools, including busing~~
  - b. ~~Street maintenance and snow removal~~
  - c. ~~Police and fire protection~~
  - d. ~~Solid waste disposal~~
  - e. ~~Recreation facilities~~
  - f. ~~Storm water drainage~~
  - g. ~~Waste water treatment~~
  - h. ~~Water supply~~

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

~~The location and method of disposal for land clearing and construction debris.~~

4. If any phasing is proposed for the project, the applicant shall provide a phasing plan that includes the following information:
  - a. A map depicting the proposed phases of the project.
  - b. Approximate dates for construction start and completion for each phase of the project.
  - c. A construction management plan depicting items such as, but not limited to, construction access, material storage and any other information that will help the Planning Board understand the details related to the project's phased construction.

**SECTION 5.8 FINAL APPROVAL AND FILING FOR MINOR AND MAJOR SUBDIVISIONS  
[AMENDED 6/19/21]**

- A. No plan shall be approved by the Planning Board as long as the applicant, or any entity in which the applicant has a legal or financial interest, is in violation of the provisions of a previously approved Plan within the town.
- ~~B.~~ Upon findings of fact and determination that all standards in Title 30-A M.R.S. Section 4404 Review Criteria, Section 5.12. Subdivision Review Criteria, and these regulations have been met, and upon voting to approve the subdivision, the Planning Board shall sign the final plan. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. The town shall retain one copy of the signed plan as part of its permanent records. Any subdivision not recorded in the Cumberland County Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.
- ~~B.~~
- ~~C.~~
- ~~D.~~ Phased approvals At the time the Planning Board grants final plan approval, it may permit the plan to be divided into two or more sections, ~~subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the Plan. If any town or quasi-municipal department head notified of the proposed subdivision informs the Planning Board that their department or district does not have adequate capital facilities to service the subdivision, the Planning Board shall require the plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20 percent excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Planning Board shall require the plan to be divided into sections to prevent classroom overcrowding. If the expansion, addition or purchase of the needed facilities is included in the town's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.~~
- ~~C.~~
- ~~a.~~ Final Plan approval will be limited to the first phase of the subdivision, with Preliminary Plan approval remaining for subsequent phases. The applicant must receive Final Approval for subsequent phases prior to permits or construction activities in any phases.
- ~~b.~~ Construction activities must proceed in the conformance with the approved phasing plan. No construction activities may commence on a phase until prior phases of the plan are complete.
- ~~a-c.~~ Performance guarantees associated with each phase must be received by the Town prior to construction work associated with that phase.
- ~~D.~~ Two (2) full sized paper copies of the approved ~~The subdivision plan for a Minor Subdivision shall be signed by the Planning Board, one consist of one reproducible, stable-based transparency to be recorded at the Cumberland County Registry of Deeds and one a paper copy for review by the Planning Board for town records. The reproducible transparency~~Both plans shall be embossed with the seal of the individual responsible for preparation of the plan.
- E. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Planning Board approves any modifications, except in accordance with Section 5.9 Revisions to Approved Plans for Minor and Major Plans. The Planning Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S., Section 4404, and Section 5.12

Subdivision Review Criteria, and the other standards of these regulations. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Cumberland County Registry of Deeds.

- F. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the town of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the town, approval of the plan shall not constitute an acceptance by the town of such areas. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Select Board covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- G. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within 5 years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Cumberland County Registry of Deeds to that effect.

**SECTION 5.9 REVISIONS TO APPROVED PLANS FOR MINOR AND MAJOR SUBDIVISIONS  
[REVISED 4/30/22]**

- A. **Procedure:** An applicant for a revision to a previously approved plan shall, at least thirty (30) days prior to a scheduled meeting of the Planning Board, request to be placed on the Planning Board's agenda. If the revision involves abandonment of the subdivision or the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed. [Amended 6/18/11]
- B. **Submissions:** The applicant shall submit a copy of the approved plan as well as ten (10) copies of the proposed revisions. The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of these regulations and the criteria of the statute. The Planning Board is authorized to decide whether it has received adequate supporting information to make this decision. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Cumberland County Registry of Deeds.
- C. **Scope of Review:** The Planning Board's scope of review shall be limited to those portions of the plan that are proposed to be changed.

D. **Technical Review:** In addition, the Planning Board shall refer the developer to a firm, or individual chosen by the Planning Board, for peer review of all submissions. The developer shall pay to the town a sum that the peer reviewer shall budget as sufficient to cover the cost of said review. If after final approval, the sum deposited with the town was more than sufficient to cover the cost, the town shall return the unexpended funds to the developer. If the deposit was not sufficient, the developer shall pay the balance to the town prior to final approval by the Board.

**SECTION 5.10 INSPECTIONS AND ENFORCEMENT [AMENDED 6/19/21]**

**A. Inspection of Required Improvements.**

1. At least five (5) days prior to commencing construction of required improvements, the developer shall:
  - a. Notify the CEO in writing of the time when (s)he proposes to commence construction of such improvements, so that the CEO can arrange for inspections to assure that all town specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
  - b. Deposit with the Select Board a check made out to the town of North Yarmouth for the amount of two percent (2%) of the estimated costs of the required improvements. These funds shall be used by the town to hire the services of a Maine registered professional engineer to review the specifications for all improvements, and to inspect the construction, including, but not limited to: roads, streets, lighting, sidewalks, storm water facilities, water lines, sewer lines, etc. and all conditions of final approval. If these funds are sufficient to cover the cost of said review and inspection, the remaining funds shall be returned to the developer after satisfactory completion of the improvements, including cleanup. If the funds are not enough to cover said review and inspection, the developer shall pay all costs over and above the two percent (2%) directly to the reviewing engineer as billed.
2. If the inspecting official finds upon inspection of the improvements that any of the required /improvements have not been constructed in accordance with the plans and specifications filed by the developer, he shall so report in writing to the CEO and the developer. The town shall take any steps necessary to assure compliance with the approved plans.
3. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the CEO and the Planning Board. Revised plans shall be filed with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1 percent, etc., the subdividers shall obtain permission from the Planning Board to modify the plans.
4. At the close of each summer construction season in which the development has occurred, the town shall, at the expense of the developer, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the CEO and the Planning Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems that were encountered.
5. Prior to the sale of any lot, the developer shall provide the Planning Board with a letter from a Maine registered land surveyor, stating that all monumentation shown on the plan has been installed.
6. Upon completion of road construction and prior to acceptance of the road by the town, (town's Roadway Ordinance), a written certification signed by a Maine registered professional engineer shall be submitted to the Town Manager for Select Board review at the expense of the applicant,

certifying that the proposed street meets or exceeds the design and construction requirements of the town's Roadway Ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the Select Board.

7. The developer shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the town or control is placed with a lot owners' association.

**B. Violations and Enforcement:**

1. No plan of a division of land within the town, which would constitute a subdivision, shall be recorded in the Cumberland County Registry of Deeds until a final plan has been approved by the Planning Board in accordance with these regulations.
2. A person shall not convey, offer or agree to convey any land in a subdivision, which has not been approved by the Planning Board and recorded in the Cumberland County Registry of Deeds.
3. A person shall not sell, lease or otherwise convey any land in an approved subdivision, which is not shown, on the plan as a separate lot.
4. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
5. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes: cutting of trees, grading or construction of roads; grading of land or lots; or construction of buildings; which require a plan, approved as provided in these regulations and recorded in the Cumberland County Registry of Deeds.
6. No lot in a subdivision may be sold, leased, or otherwise conveyed before the road or street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot.
7. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S., Section 4452, and any other appropriate statutes.

**SECTION 5.11 WAIVERS**

- ~~A. **Waivers of Submission Requirements:** Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the standards of this Ordinance and the criteria of the subdivision statute have been or will be met, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Ordinance.~~
- ~~B. **Waivers of Required Improvements:** Where the Planning Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to compliance with this Ordinance or the state subdivision statute, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan or this Ordinance, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.~~
- ~~C. **Conditions:** Waivers may only be granted in accordance with Sections A. and B., above. When granting waivers, the Planning Board shall set conditions so that the purposes of this Ordinance are met.~~

~~D. **Waivers of Improvements to be shown on Final Plan:** When the Planning Board grants a waiver to any of the improvements required by this Ordinance, the final plan, to be recorded at the Cumberland County Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.~~

## SECTION 5.1142 SUBDIVISION REVIEW CRITERIA

- A. **Findings of Fact Required:** Pursuant to Title 30-A M.R.S., Sections 4404 Review Criteria, the Planning Board must make “findings of fact” regarding each of the following criteria before approving a subdivision.
- B. **Review Criteria:** The Planning Board shall consider the following criteria and, before granting approval, must determine that:
1. **Pollution:** The proposed subdivision will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
    - a. The elevation of land above sea level and its relation to the flood plains;
    - b. The nature of soils and subsoils and their ability to adequately support waste disposal;
    - c. The slope of the land and its effect on effluents;
    - d. The availability of streams for disposal of effluents; and
    - e. The applicable state and local health and water resource rules, regulations and/or statutes.
  2. **Sufficient Water:** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the development;
  3. **Municipal Water Supply:** The proposed subdivision will not cause an unreasonable burden on the public water supplies of the Yarmouth Water District, if they are to be used;
  4. **Erosion:** The proposed development will not cause unreasonable soil erosion or a reduction in the capacity of the land, both on-site and off-site, to hold water so that a dangerous or unhealthy condition results;
  5. **Traffic:** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, the Department of Transportation has provided documentation indicating that the driveway or road entrances conform to 23 M.R.S. § 704 and any rules adopted under that section;
  6. **Sewage Disposal:** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
  7. **Municipal Solid Waste Disposal:** The proposed subdivision will not cause an unreasonable burden on the town's ability to dispose of solid waste, if town services are to be utilized;
  8. **Aesthetic, Cultural and Natural Values:** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant plant or animal habitat identified by the Department of Inland Fisheries and Wildlife, U.S. Fish and Wildlife Service, Maine Natural Areas Program, Beginning with Habitat Program or the town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the



shoreline;

9. **Conformity with Local Ordinances and Plans:** The proposed subdivision conforms to the provisions of this Ordinance and the town's Comprehensive Plan, including the Open Space Plan. In making this determination, the Planning Board may interpret these ordinances and plans;
10. **Financial and Technical Capacity:** The developer has adequate financial and technical capacity to meet the standards of this Ordinance;
11. **Surface Waters:** Whenever situated within 250 feet of the Deer Brook wetland, Knight's Pond, the Royal River, Chandler Brook, and the East Branch, and whenever situated within 150 feet of Toddy Brook, Pratt's Brook, Deer Brook and an un-named tributary to Chandler Brook, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
12. **Groundwater:** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water on site or on adjacent properties, and in particular the quality and quantity of ground water within the Groundwater Protection Overlay District;
13. **Flood areas:** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps for North Yarmouth, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision shall not be constructed within the 100-year floodplain;
14. **Wetlands:** All wetlands, including vernal pools, within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of wetlands may be done with the help of the local soil and water conservation district. Wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual (or most recent edition), published by the United States Army Corps of Engineers;
15. Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the Cumberland County Soil & Water District.
- ~~15-16.~~ **River, Stream or Brook:** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application.
- ~~16-17.~~ **Storm Water:** The proposed subdivision will provide for adequate storm water management;
- ~~17-18.~~ **Impact on Adjoining Municipality:** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- ~~18-19.~~ **Lands Subject to Liquidation Harvesting:** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to M.R.S. Title 12, Section 8869,

subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner (i.e., one person or a group of persons in common or joint ownership) under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Maine Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to M.R.S. Title 32, chapter 76. If the Planning Board requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the Planning Board within 30 days of receipt of the Planning Board’s request. If the bureau notifies the Planning Board that the bureau will not provide assistance, the Planning Board may require a subdivision applicant to provide a determination certified by a licensed forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in M.R.S. Title 12, section 8868,<sup>1</sup> subsection 6 and "parcel" means a contiguous area within the town of North Yarmouth owned by one person or a group of persons in common or joint ownership. This subsection takes effect on the effective date of rules adopted pursuant to M.R.S. Title 12, section 8869, subsection 14.'

<sup>1</sup> Liquidation harvesting means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years (MRSA Title 12 Section 8868, subsection 6)

<b>Questions to assess Subdivision Review Criterion 19 concerning subdivision of liquidated forestland.</b>	<b>Y e s / N o</b>	<b>Optional Addi tional Data</b>	<b>Action</b>
1. Has the parcel changed ownership within 5 years prior to the date of the subdivision application?		Date of last conveyance:	“No” – end of Criterion 19 review “Yes” - Proceed to 2
2. Has timber been harvested on the parcel within 5 years prior to the date of the subdivision application.		Indicate date of last timber harvest:	“No” – end of Criterion 19 review “Yes” - Proceed to question 3
3. Did the timber harvesting result in a rule violation (pursuant to Title 12, section 8869, subsection 14) based on a request for technical assistance from the Department of Conservation, Bureau of Forestry?		Date request forwarded to the Maine Forest Service (MFS):  Date MFS indicated ability to provide	“No” – end of Criterion 19 review “Yes” - Deny Subdivision

<p>If Bureau has not agreed to provide assistance proceed to next question.</p>		<p>technical assistance:</p>	
<p>4. Has a violation occurred based on a determination that is certified by a forester licensed pursuant to Title 32,chapter 76?  <u>Note:</u> Applicant to obtain this information and provide to the town.</p>		<p>Date of determination by MFS or forester licensed pursuant to Title 32, chapter 76:</p>	<p>“No” – end of Criterion 19 review          “Yes” - Deny Subdivision</p>

The following table is designed to assist the Planning Board in making a determination regarding this criterion.

**TABLE 7-1 LAND USES BY DISTRICT KEY**

**A = Allowed Uses (A):** Allowed Uses do not generally require review by the Code Enforcement Officer or a town board. However, some activities associated with allowed uses require permits, such as new driveways, signs, subsurface waste disposal systems, etc. (See Table 7-1). Allowed uses must also conform, as applicable, to the provisions of this Ordinance, including Section III. Administration and Enforcement, Section VII. General Requirements Applicable to All Land Uses, and Section IX. Special District Standards (Groundwater Protection Overlay District, Residential Shoreland District and Resource Protection District Provisions)

**P = Permitted Uses Requiring a Permit from the Code Enforcement Officer:** Uses displayed in Table 7-1. as being Permitted Uses (P) shall require approval from the Code Enforcement Officer in accordance with the provisions of this Ordinance, including, but not limited to, Section VIII. General Requirements Applicable to All Land Uses, and Section IX. Special District Standards (Groundwater Protection Overlay District, Residential Shoreland District, Resource Protection District Provisions, Royal River Corridor Overlay District)

**SPR = Site Plan Review Permit Required from the Planning Board:** Uses displayed in Table 7-1. as requiring Site Plan Review (SPR) shall require approval from the Planning Board in accordance with the provisions Section IV. Site Plan Review and Conditional Uses and the other applicable provision of this Ordinance.

**CU/SPR = Conditional Use Permit and Site Plan Review Permit Required from the Planning Board:** Uses displayed in Table 7-1. as Conditional Uses (CU/SPR) shall require approval from the Planning Board in accordance with the provisions of Section IV. Site Plan Review and Conditional Uses and the other applicable provision of this Ordinance.

**N = Prohibited Use**

**Footnotes Key --**

- (1) Includes Community Living Arrangements. See Section X11. Definitions for more information.
- (2) Single-family residential structures may be allowed by special exception only according to the provisions of Section 7.5 Special Exceptions. Two family residential structures are prohibited.
- (3) Manufactured Housing shall meet the requirements of Section 11.5 Manufactured Housing on Individual Lots.
- (4) Accessory Apartments Dwelling Units shall meet the requirements of Section 11.1 Accessory Apartments.
- (5) Home occupations shall meet the requirements of Section 11.4 Home Occupations.
- (6) Home Heating Fuel Tanks & Fuel Storage shall meet the requirements of Section 10.12.C. Home Heating Fuel Tanks & Fuel Storage.
- (7) Signs, exterior displays and any other indications of a home-based occupation in a residential zone shall meet the requirements of Section 11.4.C.410.7.B.11.
- (8) See Section 10.4 for permitted building types in the Residential Shoreland District.
- (9) See Section 9.1 for additional restrictions in the Resource Protection District and Residential Shoreland District.
- (10) See Section 12 Definitions for additional information related to Essential Services
- (11) See Section 12 Definitions and Section 9.1.P. for additional information related to Service Drops.
- (12) Nursing Homes/Congregate Care must be served by sewer or advanced wastewater treatment systems for on-site sewage disposal.
- (13) Refer to Section 12 Definitions for additional information related to Cemeteries.
- (14) Clubhouses are prohibited in the Resource Protection District.
- (15) Piers/Docks/Wharfs/Bridges - Permanent are allowed via Planning Board approval & Piers/Docks/Wharfs/Bridges – Temporary are allowed via CEO approval, excluding bridges and other crossings not involving earth work, in which case no permit is required [Amended 5/17/08].
- (16) Refer to Section 12 Definitions for additional information related to Agriculture.
- (17) Permit required when timber harvest consists of more than 5 acres (this includes transportation or utility corridors).
- (18) Abandoned wells must be filled with inert material; See Section 9.2.H. Groundwater Protection Overlay District; Best Management Practices for additional information.
- (19) No more than 660 gallons of liquid fuel per parcel of land may be stored on-site for a Private Airstrip. Also see Section 10.12 Hazardous, Special, and Radioactive Materials.
- (20) Refer to Section 9.1.K. Residential Shoreland District and Resource Protection District Performance Standards: Parking Areas for additional information related to parking associated with single-family dwellings, two-family dwellings and non-commercial farmstands.
- (21) Except as provided in Section 9.1.L. Residential Shoreland District and Resource Protection District Performance Standards: Roads and Driveways [Amended 5/17/08] for additional information related to road and driveway construction.

**TABLE 7.1 LAND USES BY ZONING DISTRICT [AMENDED 5/17/08,<sup>1</sup> 6/19/21, 06/17/23]**

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review) CU = Conditional Use (Planning Board Review); N = Prohibited Use**

USES***	Village Center	Village Residential	Farm and Forest	Resource Protection <sup>9</sup> Resource Protection	Residential Shoreland <sup>9</sup> Residential Shoreland	Royal River Overlay*	Groundwater Overlay*
<b>Residential Uses</b>							
Single-family detached dwelling <sup>12</sup>	P	P	P	N	P	SPR	P
Duplex	P	P	P	N	P	<del>NSPR</del>	P
Manufactured housing - individual lot <sup>34</sup>	P	P	P	N	P	SPR	P
Conversions - seasonal to year-round residences	P	P	P	N	P	SPR	P
Mobile Home Park	CU/SPR	SPR	N	N	N	N	N
Multiple <del>Residential Multifamily dwelling</del> units in a permitted Building Type <sup>89</sup>	SPR	N	N	N	N	N	SPR
Accessory <del>Apartment Dwelling Unit</del> <sup>45</sup> [Amended 5/17/08]	P	P	P	N	<del>NP</del>	<del>NP</del>	P
Accessory use – Home Occupation <sup>56</sup>	P	P	P	N	SPR	SPR	SPR
Home heating fuel tanks & fuel storage (greater than 660 gallons of liquid <del>fuel</del> <sup>7</sup> <del>fuel</del> <sup>6</sup> per parcel of land)	SPR	SPR	SPR	N	N	N	N
Accessory use – Home Based Occupation <sup>78</sup> [Amended 5/30/09]	P	P	P	N	N	SPR	SPR
<b>Commercial and Industrial Uses</b>							
Beauty salons	SPR	CU/SPR	N	N	N	N	CU/SPR
Bed and breakfast	SPR	SPR	SPR**	N	N	N	SPR
Boat builders and refinishers	SPR	N	N	N	N	N	N
Business/professional office less than 2,000 sq.ft. gross floor area	SPR	SPR	CU/SPR**	N	N	N	SPR
Business/professional office, 2,000 to 10,000 sq.ft. gross floor area	SPR	N	N	N	N	N	SPR
Retail sales/services, less than 2,000 sq.ft. gross floor area	SPR	SPR	N	N	N	N	SPR
Retail sales/services, 2,000 to 10,000 sq.ft. gross floor area	SPR	N	N	N	N	N	CU/SPR
Notes: *Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including "Allowed Uses" must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch. **Can only be conversions of buildings in existence as of June 14, 2005 *** For all <u>Land Use</u> definitions please refer to <u>section XII Definitions</u>							

<sup>1</sup> Tables were also reformatted to include blank lines for future amendments.

<sup>2</sup> Includes "community living arrangements" for 8 or fewer persons with disabilities as defined in 30-A M.R.S. Section 4357-A

<sup>3</sup> Single-family residential structures may be allowed by special exception only according to the provisions of Section 7-5. Special Exceptions. Two-family residential structures are prohibited.

<sup>4</sup> Shall meet the requirements of Section 11-5. Manufactured Housing On Individual Lots

<sup>5</sup> Shall meet the requirements of Section 11-1. Accessory Apartments

<sup>6</sup> Shall meet the requirements of Section 11-4. Home Occupations

<sup>7</sup> Propane tanks, or other tanks with liquefied gaseous fuels are allowed. Home heating fuel tanks and fuel storage of 660 gallons or less is allowed with all residential uses.

<sup>8</sup> Signs, exterior displays and any other indications of a home-based occupation in a residential zone require conditional use approval from the Planning Board [Amended 5/30/09]

<sup>9</sup> See Section X Section 10.4 for permitted Building Types.

**TABLE 7.1 LAND USES BY ZONING DISTRICT (continued from prior page)**

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review) CU = Conditional Use (Planning Board Review); N = Prohibited Use**

<b>USES***</b>	<b>Village Center</b>	<b>Village Residential</b>	<b>Farm and Forest</b>	<b>Resource Protection<sup>9</sup> Resource Protection</b>	<b>Residential Shoreland<sup>9R</sup> Residential Shoreland</b>	<b>Royal River Overlay*</b>	<b>Groundwater Overlay*</b>
<b>Commercial and Industrial Uses (continued)</b>							
Retail sales/services with 10,000 sq.ft. gross floor area, or more	N	N	N	N	N	N	N
Restaurants with less than 2,000 sq.ft. gross floor area	SPR	SPR	CU/SPR **	N	N	N	SPR
Restaurants with 2,000 sq.ft. gross floor area, or more	SPR	SPR	CU/SPR**	N	N	N	CU/SPR
Tavern	CU/SPR	CU/SPR	CU/SPR	N	N	N	CU/SPR
Small Brewery, Small Winery, Small Distillery	CU/SPR	CU/SPR	CU/SPR	N	N	N	CU/SPR
Assembly Venue	SPR	SPR	SPR	N	N	CU/SPR	CU/SPR
Farm Stand	A	A	A	N	N	A	A
Takeout eating place	SPR	SPR	N	N	N	N	SPR
Drive-through eating place	N	N	N	N	N	N	N
Redemption center less than 2,000 sq. ft. gross floor area	SPR	N	N	N	N	N	N
Commercial food processors, other than those where food is raised on the premises (see Natural Resource Based Uses)	SPR	SPR	SPR	N	N	N	N
Financial institution	SPR	N	N	N	N	N	SPR
Financial institution with drive through	CU/SPR	N	N	N	N	N	CU/SPR
Laundromat	SPR	N	N	N	N	N	SPR <sup>1</sup>
Dry cleaners' drop-off, no dry cleaning - processing	SPR	SPR	N	N	N	N	SPR
Dry cleaners - processing	N	N	N	N	N	N	N
Printers and photo processors	SPR	CU/SPR	N	N	N	N	CU/SPR
Motor vehicle services/repairs and body shops/sales [limited to small operations; 10 or fewer vehicles on site at a time]	SPR	CU/SPR	CU/SPR	N	N	N	N
Gas and/or service stations, sale of gas accessory to retail	SPR	CU/SPR	N	N	N	N	N
Petroleum/petroleum product storage for retail/wholesale sales, including fuel oil distributors	N	N	N	N	N	N	N
Petroleum/petroleum product use/storage for business use; more than 660 gallons of liquid fuel per parcel	SPR	SPR	SPR	N	N	N	N
Petroleum/petroleum product use/storage for business use; 660 gallons or less of liquid fuel <sup>1</sup> per parcel	P	P	P	N	N	N	CU/SPR
Auto washing facilities	SPR	N	N	N	N	N	SPR <sup>1</sup>



Notes: \*Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including “Allowed Uses” must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch.  
\*\*Can only be conversions of buildings in existence as of June 14, 2005  
\*\*\* For all Land Use definitions please refer to Section XII Definitions

**TABLE 7.1 LAND USES BY ZONING DISTRICT (continued from prior page)**

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review) CU = Conditional Use (Planning Board Review); N = Prohibited Use**

USES ***	Village Center	Village Residential	Farm and Forest	Resource Protection <sup>9</sup> Resource Protection	Residential Shoreland <sup>9</sup> <del>Residential Shoreland</del>	Royal River Overlay*	Groundwater Overlay*
<b>Commercial and Industrial Uses (continued)</b>							
Discharge of non-domestic wastewater or wash water to an onsite septic disposal system	N	N	N	N	N	N	N
Light manufacturing, Warehousing & Storage, and Trucking & Distribution less than 5,000 sq.ft. gross floor area	SPR	SPR	SPR	N	N	N	CU/SPR***
Light manufacturing, 5,000 sq.ft. to 20,000 sq.ft. gross floor area	SPR	SPR	SPR	N	N	N	N
Warehousing & storage, 5,000 to 20,000 sq.ft. gross floor area	SPR	N	CU/SPR	N	N	N	N
Trucking & distribution facility, 5,000 to 20,000 sq.ft. gross floor area	SPR	N	CU/SPR	N	N	N	N
Wholesale business, research & development, light manufacturing, warehousing & storage, or trucking & distribution facility, 20,000 sq.ft. gross floor area or more	N	N	N	N	N	N	N
Excavating contractors and general contractors	SPR	SPR	SPR	N	N	N	SPR
Funeral homes	CU/SPR	CU/SPR	N	N	N	N	SPR
Non-domestic solid waste disposal, transfer station and/or recycling facility	N	N	N	N	N	N	N
Junkyard/auto graveyard/auto recycling	N	N	N	N	N	N	N
<p>Notes: *Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including "Allowed Uses" must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch.</p> <p>**Can only be conversions of buildings in existence as of June 14, 2005.</p> <p>*** For all Land Use definitions please refer to Section XII Definitions **** Except that the Planning Board may substitute "sq. ft. of Building Footprint" for "sq. ft. gross floor area", as long as the applicant shows that the additional square footage will not impact the site as far as standards of review such as parking, # of employees, and impervious surface restrictions, and any other requirements of review. [Amended 5/13/06]</p> <p>**** For all Use definitions please refer to section XII</p>							

**TABLE 7.1 LAND USES BY ZONING DISTRICT (continued from prior page)**

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review) CU = Conditional Use (Planning Board Review); N = Prohibited Use**

<b>USES***</b>	<b>Village Center</b>	<b>Village Residential</b>	<b>Farm and Forest</b>	<b>Resource Protection<sup>1</sup> Protection<sup>9</sup></b>	<b>Residential Shoreland<sup>94</sup></b>	<b>Royal River Overlay*</b>	<b>Groundwater Overlay*</b>
<b>Utility Uses</b>							
Essential services, excepting the following (a. and b.) <sup>2-10</sup> [Amended 5/17/08]	P	P	P	SPR	SPR	P	CU/SPR
a. Roadside distribution lines (34.5kV and lower)	P	P	P	P	P	P	P
b. non-roadside or cross-country distribution lines	P	P	P	SPR	SPR	SPR	P
Large scale solar system	SPR	SPR	SPR	N	N	N	SPR
Service drops, as defined, to allowed <u>uses<sup>9</sup>uses<sup>11</sup></u>	A	A	A	P	A	P	A
Public utility buildings	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Oil pipelines	CU/SPR	CU/SPR	CU/SPR	CU/SPR	CU/SPR	CU/SPR	N
Telecommunications towers	SPR	CU/SPR	SPR	N	SPR	N	SPR
<b>Institutional Uses</b>							
Public and private schools	SPR	SPR	CU/SPR	N	N	N	SPR
Public and private schools over 50,000 sq ft	CU/SPR	N	N	N	N	N	CU/SPR
Day care and nursery schools	SPR	SPR	CU/SPR	N	N	N	SPR
Church including accessory residence	SPR	SPR	N	N	N	N	SPR
Cemetery <sup>135</sup>	SPR	SPR	P	N	N	N	N
Library and museum	SPR	SPR	N	N	N	N	SPR
Fraternal and social institutions	SPR	CU/SPR	CU/SPR	N	N	N	CU/SPR
Municipal and other governmental buildings	SPR	SPR	SPR	N	N	N	SPR
New municipal transfer stations	SPR	SPR	SPR	N	N	N	N
Municipal recycling facility	SPR	SPR	N	N	N	N	SPR
Nursing home/congregate care	SPR	CU/SPR	N	N	N	N	SPR <sup>124</sup>
Small non-residential facilities less than 5,000 sq.ft gross floor area for educational, scientific, or nature interpretation purposes	SPR	SPR	SPR	N	SPR	N	SPR

Notes:  
\*Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including "Allowed Uses" must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch.  
\*\*\* For all Land Use definitions please refer to Ssection XII Definitions

<sup>1</sup> See restrictions Section 9-1. Residential Shoreland District and Resource Protection District Standards.

<sup>2</sup> Utilities (gas, water, power lines etc.) excluding service drops and buildings, as defined in Section XII. Definitions.

<sup>3</sup> Electric and/or telephone utility line extensions, see restrictions in Section 9-1. Residential Shoreland District and Resource Protection District Standards.

<sup>4</sup> Must be served by sewer or advanced wastewater treatment systems for on-site sewage disposal.

<sup>5</sup> See Family Burial Ground

**TABLE 7-1. LAND USES BY ZONING DISTRICT (continued from prior page)**

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review) CU = Conditional Use (Planning Board Review); N = Prohibited Use**

USES***	Village Center	Village Residential	Farm and Forest	Resource Protection <sup>9R</sup> Resource Protection	Residential Shoreland <sup>9R</sup> Residential Shoreland	Royal River Overlay*	Groundwater Overlay*
<b>Recreational Uses</b>							
Campground	N	N	SPR	N	SPR	CU/SPR	N
Individual campsite	P	P	P	P	P	P	P
Golf course including club house	SPR	SPR	SPR	CU/SPR <sup>144</sup>	SPR	N	N
Fully enclosed places of recreation	SPR	CU/SPR	N	N	N	N	SPR
Piers/Docks/Wharfs/Bridges – Permanent	P	P	P	SPR <sup>152</sup>	SPR <sup>152</sup>	SPR	SPR
Piers/Docks/Wharfs/Bridges – Temporary	P	P	P	P <sup>152</sup>	P <sup>152</sup>	P	P
Marinas/Sheds/Boating facilities	-	-	-	N	SPR	N	N
Non-intensive recreational uses not requiring structures, roads or parking facilities, such as hunting, fishing, hiking	A	A	A	A	A	A	A
Government and non-profit parks and outdoor recreation	P	P	P	CU/SPR	SPR	SPR	SPR
Public and private recreational areas involving no structural development; recreational trails	A	A	A	SPR	SPR	SPR	A
<b>Natural Resource Based Uses</b>							
Aquaculture	A	A	A	SPR	SPR	SPR	N
Agriculture <sup>163</sup>	A	A	A	SPR	A	A	SPR
Commercial processing of vegetables/crops raised on premises	P	P	P	N	SPR	N	SPR
Commercial processing of poultry and/or livestock raised on the premises (meat packer, slaughterhouse)	SPR	SPR	SPR	N	N	N	N
Storage, handling, processing, disposal and/or utilization of sludge/ash	N	N	N	N	N	N	N
Forest management activities, except timber harvesting	A	A	A	A	A	A	A
Notes: *Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including "Allowed Uses" must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch. *** For all Use definitions please refer to section XII							

<sup>1</sup>Clubhouse prohibited in Resource Protection District.

<sup>2</sup>Excluding bridges and other crossings not involving earth work, in which case no permit is required. [Adopted 5/17/08]

<sup>3</sup>Agriculture: The production, boarding, 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; Christmas trees; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities. Agricultural activities for personal use only, do not require a Permit from the Planning Board.

**TABLE 7-1. LAND USES BY ZONING DISTRICT (continued from prior page)**

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review) CU = Conditional Use (Planning Board Review); N = Prohibited Use**

<b>USES***</b>	<b>Village Center</b>	<b>Village Residential</b>	<b>Farm and Forest</b>	<b>Resource Protection<sup>9R</sup></b> <b>Resource Protection</b>	<b>Residential Shoreland<sup>9R</sup></b> <b>Residential Shoreland</b>	<b>Royal River Overlay*</b>	<b>Groundwater Overlay*</b>
<b>Natural Resource Based Uses (continued)</b>							
Timber harvesting	A	A	A	P	A	A	SPR <sup>174</sup>
Mineral exploration	N	N	P	N	P	A	N
Mineral extraction (including sand & gravel) 100 cubic yards to 999 cubic yards within any 12-month period	A	A	A	N	CU/SPR	N	CU/SPR
Commercial mineral extraction (including sand & gravel) 1,000 cubic yards or more within any 12-month period	N	N	SPR	N	N	N	N
Lumber yards including milling, distribution of wood products, wholesale/retail sales of building materials	SPR	SPR	CU/SPR	N	N	N	SPR
Commercial processing of wood including cutting, sawing, splitting, and chipping	SPR	SPR	SPR	N	N	N	SPR
Landscaping business, nursery, garden center	SPR	SPR	SPR	N	N	N	N
Soil and water conservation practices	A	A	A	A	A	A	A
Surveying and resource analysis	A	A	A	A	A	A	A
Wildlife management practices	A	A	A	A	A	A	A
Municipal and Public Safety Signs	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Notes: *Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including "Allowed Uses" must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch. *** For all Use definitions please refer to section XII							

<sup>1</sup>Permit required when timber harvest consists of more than 5 acres (this includes transportation or utility corridors).

**TABLE 7-1. LAND USES BY ZONING DISTRICT (continued from prior page)**

**A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review) CU = Conditional Use (Planning Board Review); N = Prohibited Use**

USES***	Village Center	Village Residential	Farm and Forest	Resource Protection <sup>9R</sup> Resource Protection	Residential Shoreland <sup>9R</sup> Residential Shoreland	Royal River Overlay*	Groundwater Overlay*
<b>Other Uses</b>							
Abandoned wells	N	N	N	N	N	N	N <sup>181</sup>
Private airstrip	P	P	P	N	CU/SPR	N	CU/SPR <sup>192</sup>
Commercial airport: fueling area or maintenance area	N	N	CU/SPR	N	N	N	N
Clearing or removal of vegetation for activities other than timber harvesting [Amended 5/17/08]	A	A	A	SPR	A	SPR	A
Demolition	P	P	P	P	P	P	P
Family Burial Ground [Amended 4/28/18]	SPR	SPR	SPR	SPR	SPR	SPR	SPR
Filling and earth moving of less than 10 cubic yards	A	A	A	P	A	A	A
Filling and earth moving of 10 cubic yards or more	A	A	A	SPR	P	P	P
Emergency operations and fire prevention activities	A	A	A	A	A	A	A
Land reclamation	P	P	P	SPR	P	SPR	SPR
Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms	SPR	SPR	SPR	N	N	N	N
Subsurface waste disposal and sewage systems	P	P	P	P	P	P	P
Advanced wastewater treatment systems	P	P	P	P	P	P	SPR
Storm water impoundments	SPR	SPR	SPR	N	N	N	SPR
Wastewater impoundments	N	N	N	N	N	N	N
Industrial waste disposal	N	N	N	N	N	N	N
Notes: *Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including "Allowed Uses" must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch. *** For all Use definitions please refer to section XII							

<sup>1</sup>Must be filled with inert material; see Section 9-2.-Groundwater Protection Overlay District: Best Management Standards.

<sup>2</sup>No more than 660 gallons of liquid fuel per parcel of land may be stored on-site

<b>TABLE 7-1. LAND USES BY ZONING DISTRICT (continued from prior page)</b>							
<b>A = Allowed Use; P = Permitted Use (CEO Review); SPR = Site Plan Review (Planning Board Review) CU = Conditional Use (Planning Board Review); N = Prohibited Use</b>							
<b>USES***</b>	<b>Village Center</b>	<b>Village Residential</b>	<b>Farm and Forest</b>	<b>Resource Protection<sup>9R</sup> <del>Resource Protection</del></b>	<b>Residential Shoreland<sup>9R</sup> <del>Residential Shoreland</del></b>	<b>Royal River Overlay*</b>	<b>Groundwater Overlay*</b>
<b>Other Uses (continued)</b>							
Parking associated with single family and two-family dwellings, and non-commercial farmsteads	A	A	A	<del>N<sup>1</sup>N<sup>20</sup></del>	SPR	SPR	A
Parking associated with uses other than single-family and two-family dwellings, and non-commercial farmsteads	SPR	SPR	SPR	N	SPR	SPR	SPR
Road, driveway construction	P	P	P	<del>N<sup>2</sup>N<sup>21</sup></del>	SPR	SPR	P
New or expanded driveway/entrance onto public road	P	P	P	N	SPR	SPR	P
Overnight storage or parking of vehicles and equipment containing over 50 gallons of fuel, excluding municipal storage and parking of vehicles	A	A	A	N	N	N	P
Covered sand and salt piles	P	P	P	N	N	N	SPR
Snow dumps	SPR	SPR	SPR	N	N	N	N
Railroad stations and railroad yards	CU/SPR	SPR	SPR	N	N	N	N
Underground fuel storage tanks, other than propane	P	P	P	N	N	N	N
Signs	P	P	P	P	P	SPR	P
<b>Notes:</b> *Overlay Districts are regulations and standards in addition to those of the underlying district. Where there is a discrepancy, the more restrictive provision applies. All uses, including "Allowed Uses" must comply with the Overlay District Performance Standards. The Royal River Corridor Overlay District includes the Royal River, Chandler Brook and the East Branch. *** For all Use definitions please refer to section XII							

<sup>1</sup>See Section 9-1. Residential Shoreland District and Resource Protection District Performance Standards

<sup>2</sup>Except as provided in Section IX. Section 9-1.L. [Amended 5/17/08]



**SECTION 7.5 SPECIAL EXCEPTION FOR SINGLE FAMILY DWELLINGS AND ACCESSORY STRUCTURES IN THE RESOURCE PROTECTION DISTRICT [AMENDED 5/17/08]**

- B. Existing Single Family Residential Dwelling in the Resource Protection District Made Non-conforming with the Adoption of this Ordinance:
  - 1. The accessory structure may include structures for personal use, such as a garage, barn, Accessory Dwelling Unit or swimming pool, but may not include ~~an accessory apartment~~, home occupation or any other use prohibited within a Resource Protection District by this Ordinance.

**SECTION 7.6 SPACE AND DIMENSIONAL REQUIREMENTS [AMENDED 5/17/08; 6/19/21]**

- B. Calculation of Lot Size and Dimensions: [Amended 4/9/16]
  - 2. 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 or principal structure. For purposes of this section, an ~~a~~Accessory apartment Dwelling Unit shall not be counted as a residential unit or principal structure [Amended 5/17/08]

Footnotes Key --

- (1) Refer to Section 7.6.C. Calculation of Net Residential Density and Net Residential Acreage for standards related to Maximum Residential Density.
- (2) Refer to Section 7.6.D. Pocket Neighborhoods for additional standards related to Pocket Neighborhoods.
- (3) Maximum Structure Height is Not applicable to wireless communication towers, windmills, antennas, barn silos and structures having no floor area.
- (4) Minimum Lot Size:
  - a. The minimum lot size can be reduced in Village Center Zoning District to 20,000 square feet when the lot is served by an advanced wastewater treatment system (see Section 12 Definitions), or the existing system is retrofitted with an advanced wastewater treatment system that meets or exceeds the state definition providing 50% or more reduction in nitrates, and has demonstrated that water quality will not be degraded.
  - b. Gallon Per Day (GPD) design flows may be utilized when presented and proven to not exceed the assumed 4 bedroom or 360 GPD flows of a typical residential home per lot; this type of development requires Planning Board approval.
  - c. Pocket Neighborhoods allow for the use of reduced lot size below 20,000 square feet; refer to Section 7.6.D. for more information.
- (5) Open space or clustered subdivisions are mandatory in the Farm and Forest Zoning District and at least 50% of the total parcel must be preserved; refer to Section 11.3 Cluster Housing Development and Open Space Development for more information.
- (6) Additional units may be constructed as a) one unit within or attached to the existing dwelling unit; b) one unit detached; or c) one of each.
- (7) If a property owner tears down an existing dwelling unit in order to construct more dwelling units, the lot shall be treated as if the dwelling unit were still in existence for purposes of redevelopment.
- (8) Maximum number of dwelling units per lot is dependent on building type (see Section 10.4)

~~— Refer to Section 7.6.C. Calculation of Net Residential Density and Net Residential Acreage for standards related to Maximum Residential Density.~~

~~— Explanatory Note: Controlling residential density is most important issue. Therefore, single residential lot development must be kept at the 1 and 3-acre minimum lot sizes depending on the district. However, in subdivisions, individual lots can be as small as 20,000 sq.ft, but the overall(net) residential density must be maintained at 1 residential unit to 1 acre in the Village Residential District and the Village Center District, or 1 residential unit to 3 acres in the Farm and Forest District~~

**TABLE 7.2 SPACE AND DIMENSIONAL REQUIREMENTS [AMENDED 6/19/21, 11/08/22]**

District	Minimum Lot Area Per Dwelling Unit Size (Acres)	Maximum Residential Density <sup>1</sup> (Acres)	Maximum Dwelling Units per Vacant Lot (Residential)	Maximum Dwelling Units per Lot with Existing Dwelling Unit <sup>6,7</sup>	Maximum Lot Coverage (%)	Street Frontage (feet)	Structure Setback From Property Lines (Feet) <sup>6</sup>			Maximum Structure Height (Feet) <sup>3</sup>
							Front	Side	Rear	
Village Center <sup>2</sup>	1 acre <sup>4</sup>	N/A	<u>See Note 8</u>	<u>See Note 8</u>	70%	100' MIN	10' MIN	10' MIN	5' MIN	3 stories, no higher than 50 feet
Village Residential	1 acre	1 Residential unit per acre; Subdivisions – 1 residential unit per net residential acre	<u>2 units</u>	<u>3 units</u>	30%	Routes 9, 115 and 231 – Min 200 feet; Other streets – Min 100 feet	20' MIN	10' MIN	10' MIN	2.5 stories, no higher than 35 feet
Farm and Forest <sup>5</sup>	3 acres	1 Residential unit per 3 acres; Subdivisions – 1 residential unit per 3 net residential acres	<u>2 units</u>	<u>3 units</u>	20%	Min 200 feet	50' Min	20' MIN	20' MIN	2.5 stories, no higher than 35 feet
Residential Shoreland	3 acres	1 Residential unit per 3 acres; Subdivisions – 1 residential unit per 3 net residential acres	<u>2 units</u>	<u>3 units</u>	20%	Min 200 feet	50' Min	20' MIN	20' MIN	35'
Resource Protection	3 acres	1 Residential unit per 3 acres; Subdivisions – 1 residential unit per 3 net residential acres	<u>2 units</u>	<u>3 units</u>	20%	Min 200 feet	50' Min	20' MIN	20' MIN	35'

**Table Continued on Next Page**

<sup>1</sup> See Subsection C. for calculation of “net residential acreage”, which is only applicable to subdivisions

<sup>2</sup> See Subsection D. for Pocket Neighborhood Standards.

<sup>3</sup> Not applicable to wireless communications towers, windmills, antennas, barn silos and structures having no floor area

<sup>4</sup> Minimum Lot Size:

a. The minimum lot size can be reduced in the VC to 20,000 square feet when the lot is served by an advanced wastewater treatment system, or the existing system is retrofitted with an advanced wastewater system that meets or exceeds the state definition providing 50 percent or more reduction in nitrates, and has demonstrated that water quality will not be degraded.

b. GPD or gallon per day design flows may be utilized when presented and proven to not exceed the assumed 4 bedroom or 360 gpd flows of a typical residential home per lot, this type of development requires Planning Board approval.

c. Pocket Neighborhoods allow for the use of reduced lot size below 20,000 sf, consistent with Section 7.2(D).

<sup>5</sup> ~~Open space or clustered subdivisions are mandatory and at least 50 percent of the total parcel must be preserved in open space pursuant to Section 11-3. Cluster Housing Development and Open Space Development.~~

**TABLE 7.2 SPACE AND DIMENSIONAL REQUIREMENTS (Continued from prior page)**

District	Minimum Lot Size (Acres)	Maximum Residential Density <sup>1</sup> (Acres)	Maximum Lot Coverage	Street Frontage	Structure Setback from Property Lines	Maximum Structure Height
<b>Royal River Corridor Overlay</b>	3 acres	Same as underlying district	Same as underlying district			
<b>Groundwater Protection Overlay</b>	Single lots not part of a subdivision must meet the minimums for the underlying district; no reduction in lot size shall be permitted.	Same as underlying district	Same as underlying district			

**Cross Reference Notes for other provisions with dimensional requirements: [AMENDED 6/19/21]**

~~**Section 7.5 Special Exception for Single Family Dwellings and Accessory Structures in a Resource Protection District:** Restrictions on building location and setbacks, etc.~~

~~**Section 8.3 Back Lots and Street Access Requirements**—Back lots must be served by a right-of-way of at least 50 feet in width. The 50-foot right-of-way serving a back lot shall not be counted for the purpose of meeting the minimum street frontage requirements for the adjacent lots that have frontage on a public street.~~

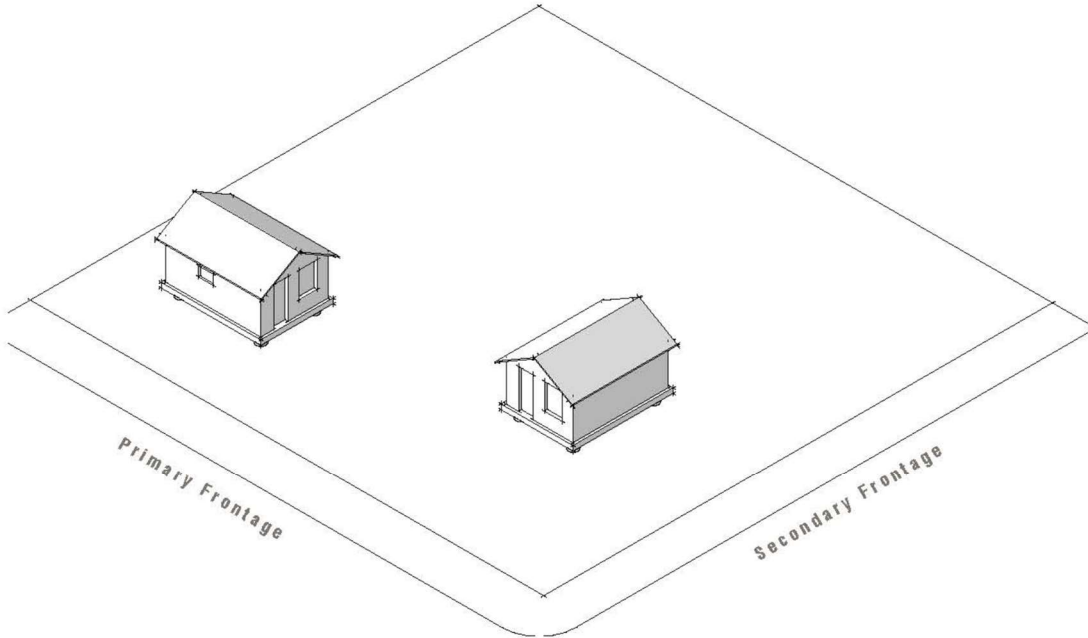
~~**Section 9.1 Residential Shoreland District and Resource Protection District Performance Standards**—Minimum shore frontage requirements; minimum setbacks from rivers, streams, wetlands and tributary streams.~~

~~**Section 9.3 Royal River Corridor Overlay District**—Corridor consists of area 500 feet on both sides of the Royal River, Chandler Brook and the East Branch; single family dwellings (non-subdivision) must be set back at least 250 feet from the high water line; subdivision dwellings and structures must be located outside the Corridor unless granted a waiver pursuant to the provisions of this Section.~~

~~**Section 10.3 Brook, Pond, Vernal Pool and Wetland Buffers**—Requires buffers and structure setbacks along streams, brooks, ponds, vernal pools and wetlands.~~

Article X, Section 10.4 **Building Standards** // Section B **Primary Building Types**

## 1. INFORMAL BUILDING



### a. DESCRIPTION

A light imprint, low impact, temporary, and informal building that enables creative use of property, including shacks, yurts, cabins, lean-tos, a-frames.

### b. BUILDING FORM

Building Floor Plate	500 sf max
Total Stories	1 max
First Floor Height	12 ft max
First Floor Elevation	n/a
Roof	see Section E Roof Types
Attachments	none

### c. ALLOWABLE UNITS PER LOT

~~1 unit max~~ **Vacant Lots Village Center: 4 Dwelling Units**  
**Lots with Existing Dwelling: 2 additional Dwelling Units**

### d. WINDOWS & DOORS

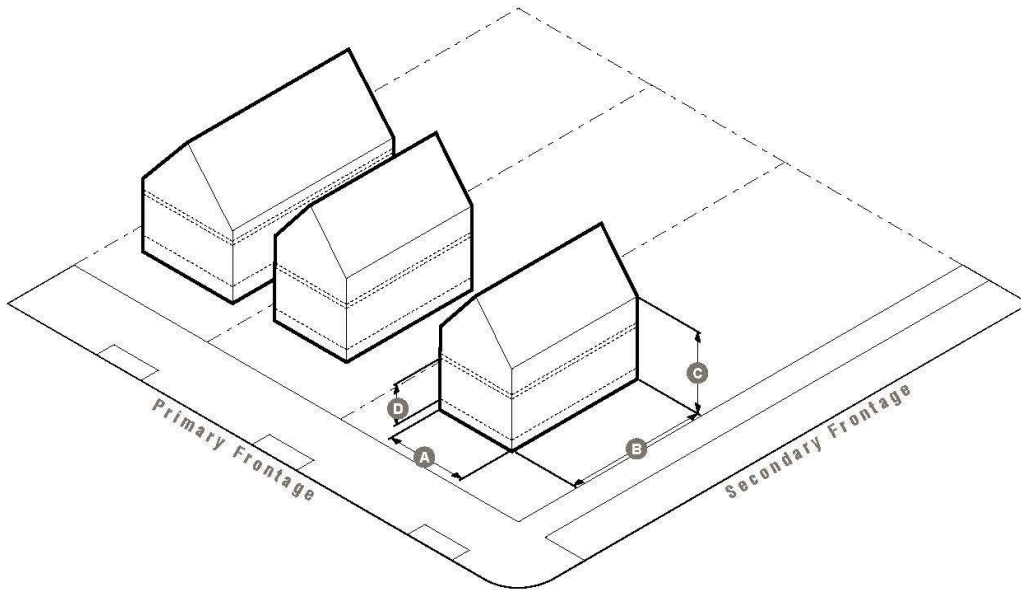
First Floor Fenestration	n/a
Upper Floor Fenestration	n/a

### e. STANDARDS

1. Informal buildings may function as a primary or accessory building.
2. The total aggregate area of informal buildings on a single lot (or series of adjacent lots in common ownership) may not exceed 5,000 sf.
3. Informal buildings do not need to front onto a thoroughfare.
4. For a structure to be considered an informal building it must meet any three of the following four standards.
  - a. Building is less than 500 SF total.
  - b. Building has no permanent physical connection to off-site water, electrical, or sewage utilities.
  - c. Building has no insulation.
  - d. Building has no permanent foundation. Informal foundations may consist of:
    - i. Jacks, blocks, or piers that rest on the surface of the bare ground.
    - ii. A chassis with independent suspension and axles capable of free rotation.
    - iii. Any other type of foundation that may be de-constructed and removed with minimal site disturbance, and with little need for heavy machinery or invasive techniques.

Article X, Section 10.4 **Building Standards** // Section B **Primary Building Types**

## 2. COTTAGE



### a. DESCRIPTION

A small detached building with one unit.

### b. BUILDING FORM

Building Width	14 ft min, 20 ft max	(A)
Building Length	40 ft max	(B)
Total Stories	1 story max	(C)
First Floor Height	9 ft min, 10 ft max	(D)
Upper Floor Height	n/a	(E)
First Floor Elevation	2 ft min	
Components	see Section D Components	
Roofs	see Section E Roof Types	
Attachments	none	

### c. ALLOWABLE UNITS PER LOT

~~1 unit max~~ - Vacant Lots Village Center: 4 Dwelling Units  
Lots with Existing Dwelling: 2 additional Dwelling Units

### d. FENESTRATION

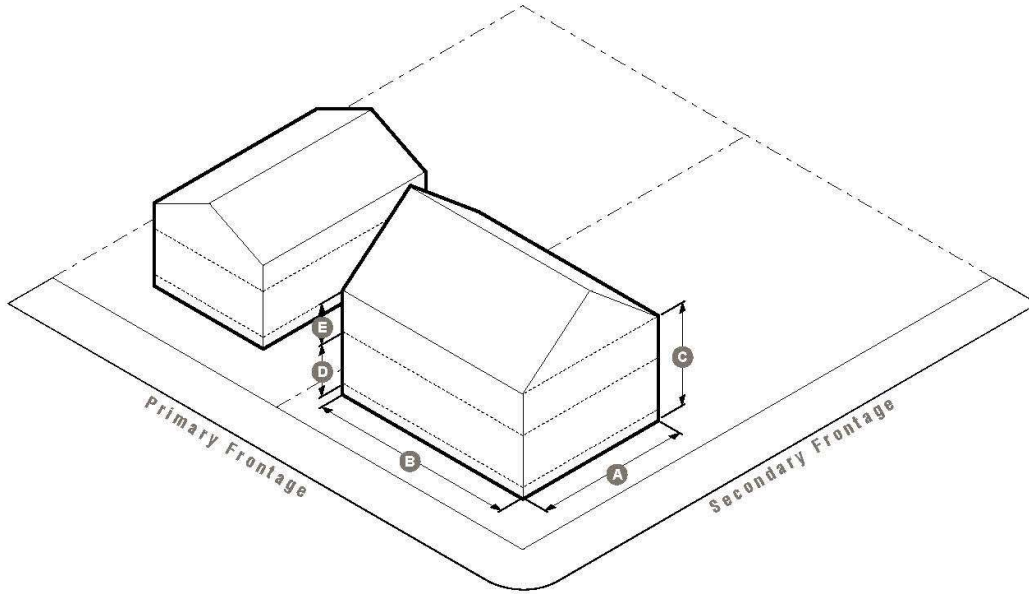
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

### e. STANDARDS

1. A Cottage may possess a chassis with independent suspension and axles capable of free rotation, provided:
  - a. The Cottage has a permanent connection to water, sanitary, and power utilities.
  - b. The chassis is screened in such a way as to be indistinguishable from a traditional foundation.
  - c. The Cottage may not encroach on setbacks.

Article X, Section 10.4 **Building Standards** // Section B **Primary Building Types**

### 3. HOUSE



**a. DESCRIPTION**

A detached building with one unit.

**b. BUILDING FORM**

Building Width	21 ft min, 36 ft max	(A)
Building Length	48 ft max	(B)
Total Stories	2 stories max	(C)
First Floor Height	9 ft min, 12 ft max	(D)
Upper Floor Height	9 ft min, 10 ft max	(E)
First Floor Elevation	2 ft min	
Components	see Section D Components	
Roofs	see Section E Roof Types	
Attachments	none	

**d. FENESTRATION**

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

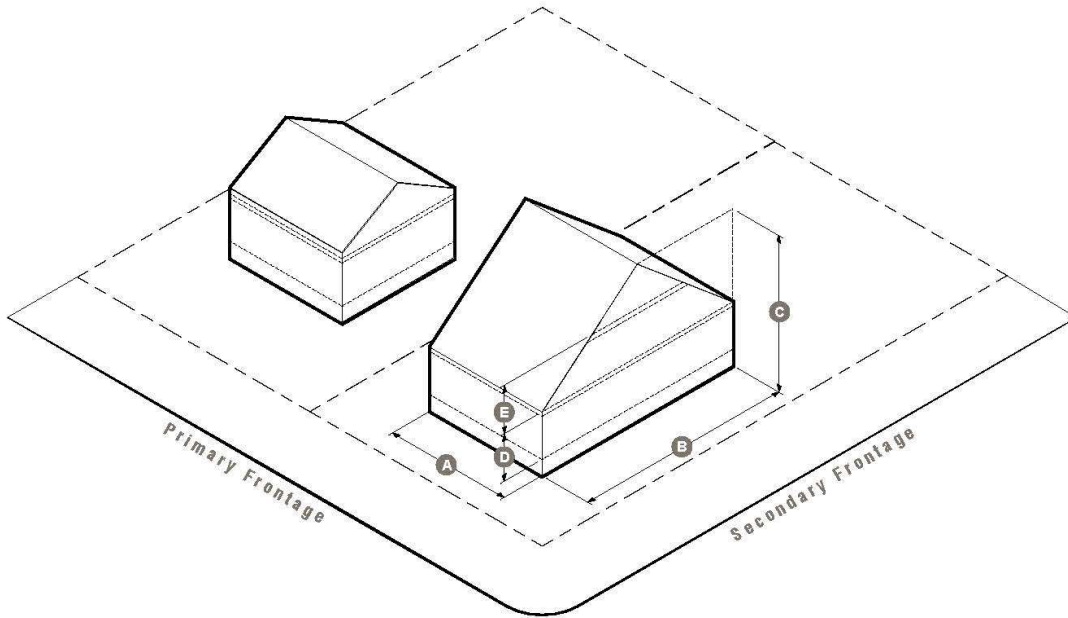
**c. ALLOWABLE UNITS PER LOT**

~~1 unit max~~ - Vacant Lots Village Center: 4 Dwelling Units  
 Lots with Existing Dwelling: 2 additional Dwelling Units



Article X, Section 10.4 Building Standards // Section B Primary Building Types

## 4. BUNGALOW



### a. DESCRIPTION

A detached building with one unit and a front porch

### b. BUILDING FORM

Building Width	36 ft max	A
Building Length	50 ft max	B
Total Stories	2 stories max (2)	C
First Floor Height	9 ft min, 12 ft max	D
Upper Floor Height	9 ft min, 10 ft max	E
First Floor Elevation	2 ft min	
Components	see Section D Components	
Roofs	see Section E Roof Types	
Attachments	none	

### c. ALLOWABLE UNITS PER LOT

~~1 unit max~~ Vacant Lots Village Center: 4 Dwelling Units  
Lots with Existing Dwelling: 2 additional Dwelling Units

### d. WINDOWS & DOORS

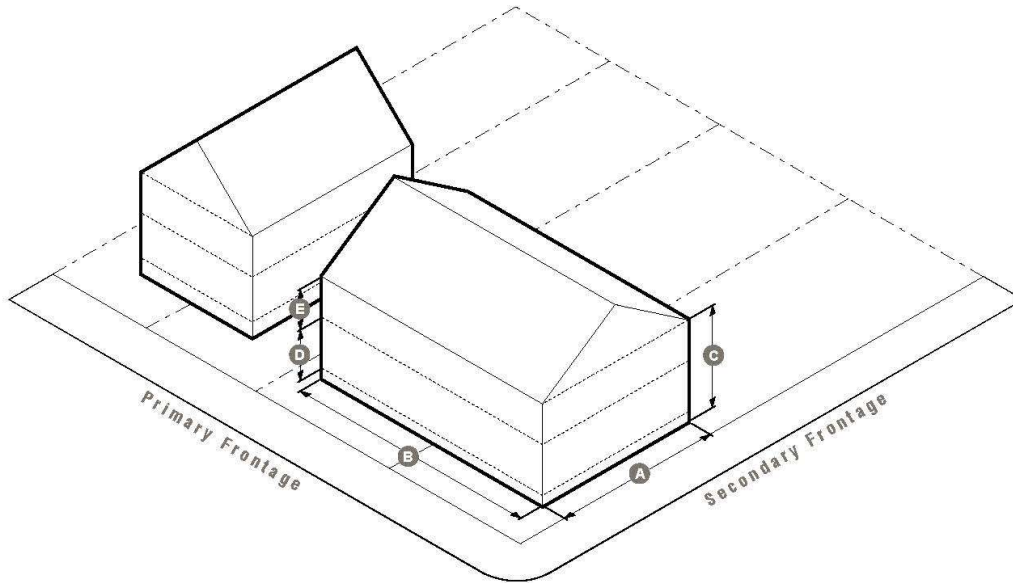
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

### e. STANDARDS

1. The gable end of a bungalow must be oriented away from the primary frontage.
2. Upper stories must be contained within the roof structure.

Article X, Section 10.4 Building Standards // Section B Primary Building Types

## 5. DUPLEX



### a. DESCRIPTION

A moderately scaled building type comprised of 2 units arranged side by side, where the building spans two lots, with one unit on each lot.

### b. BUILDING FORM

Building Width	36 ft max	(A)
Building Length	48 ft max	(B)
Total Stories	3 max	(C)
First Floor Height	9 ft min, 12 ft max	(D)
Upper Floor Height	9 ft min, 12 ft max	(E)
First Floor Elevation	2 ft min	
Components	see Section D Components	
Roofs	see Section E Roof Types	
Attachments	none (3)	

### c. ALLOWABLE UNITS PER LOT

~~2 units max~~ Vacant Lots Village Center: 4 Dwelling Units  
Lots with Existing Dwelling: 2 additional Dwelling Units

### d. FENESTRATION

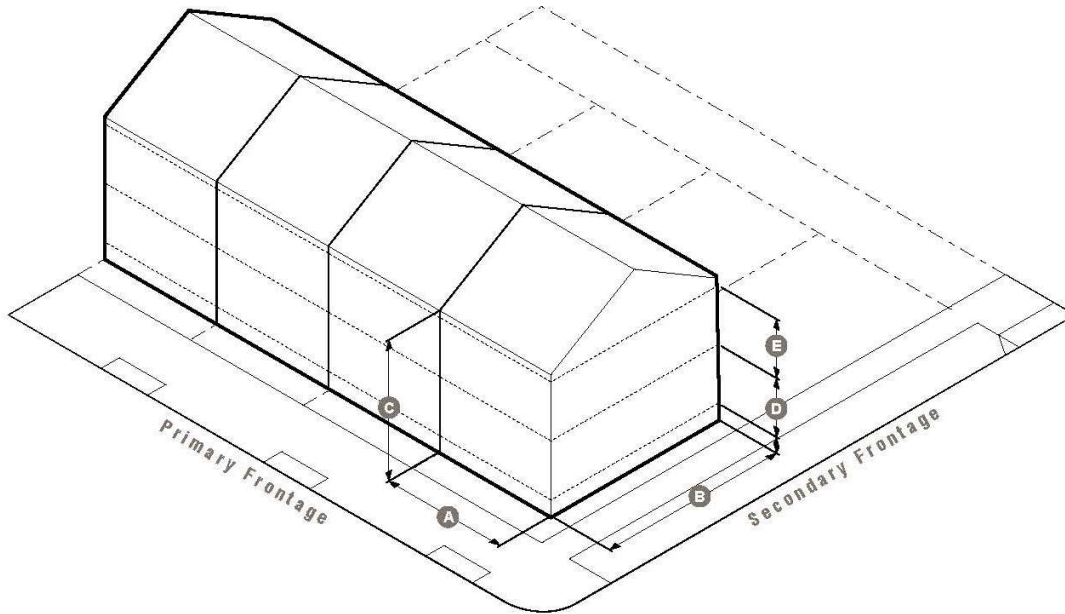
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

### e. STANDARDS

1. A porch or gallery may be built on the third floor of a primary frontage provided that there is only one porch or galley below it on either the first or second floor.
2. A duplex may not attach to adjacent buildings.
3. The duplex is a single building that extends across a lot line. The internal shared wall does not count as an attachment.
4. A duplex may sit on a single lot provided the duplex is placed using theoretical lot lines showing how the lot can be divided in future, with one unit on each lot.

Article X, Section 10.4 Building Standards // Section B Primary Building Types

## 8. TOWNHOUSE



### a. DESCRIPTION

A small- to medium-sized attached building type comprised of up to 3 units.

### b. BUILDING FORM

Building Width	18 ft min, 36 ft max	(A)
Building Length	50 ft max	(B)
Total Stories	2 min, 3 max	(C)
First Floor Height	9 ft min, 12 ft max	(D)
Upper Floor Height	9 ft min, 12 ft max	(E)
First Floor Elevation	2 ft min	
Components	see Section D Components	
Roofs	see Section E Roof Types	
Attachments	1 side min	

### c. ALLOWABLE UNITS PER LOT

~~3 unit max~~ Vacant Lots Village Center: 4 Dwelling Units  
Lots with Existing Dwelling: 2 additional Units

### d. FENESTRATION

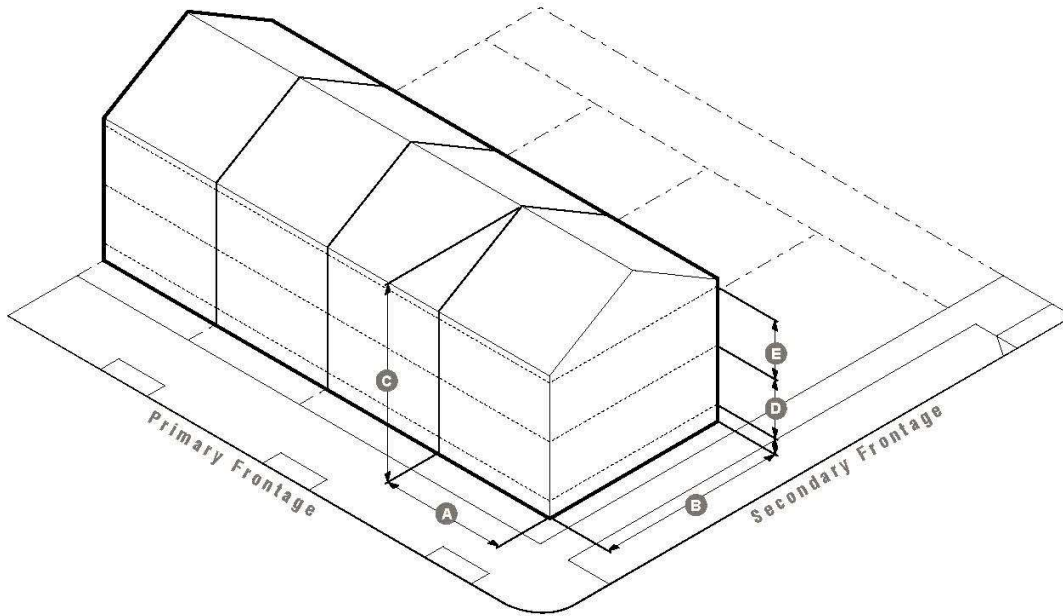
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

### e. STANDARDS

1. A townhouse must attach to a townhouse or live/work flex on at least one side.
2. A maximum of 6 townhouses are allowed to attach.
3. All buildings in a single grouping of attached townhouses must maintain the same front setback.

Article X, Section 10.4 Building Standards // Section B Primary Building Types

## 10. LIVE/WORK FLEX



### a. DESCRIPTION

A small attached building type with up to 3 units, including an optional shopfront.

### b. BUILDING FORM

Building Width	18 ft min, 60 ft max	<b>A</b>
Building Length	60 ft max	<b>B</b>
Total Stories	2 min, 3 max	<b>C</b>
First Floor Height	9 ft min, 14 ft max	<b>D</b>
Upper Floor Height	9 ft min, 12 ft max	<b>E</b>
First Floor Elevation	0 ft min	
Components	see Section D Components	
Roofs	see Section E Roof Types	
Attachments	1 side min	

### c. ALLOWABLE UNITS PER LOT

~~3 units max~~ Vacant Lots Village Center: 4 Dwelling Units  
Lots with Existing Dwelling: 2 additional Dwelling Units

### d. FENESTRATION

Shopfront	Optional
First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

### e. STANDARDS

1. A live/work flex building must attach to a townhouse or live/work flex on at least one side.
2. A maximum of 6 live/work flex buildings are allowed to attach.
3. All buildings in a single grouping of attached live/work flex buildings must maintain the same front setback.

- A. Single– family dwellings, duplex dwellings and non-residential structures shall be permitted on back lots provided they are served by a private right-of-way no less than fifty (50) feet wide, and subject to the following conditions:
1. Back lots must be served by a right-of-way of at least fifty (50) feet in width. The street frontage on the fifty (50) foot right-of-way serving a back lot shall not be included in calculating minimum street frontage for the adjacent lots fronting on a street.
  2. All residential and non-residential lots and other lots with buildings for human occupation shall have adequate access roads for emergency vehicles to enter, turn around, and exit. (town’s Roadway Ordinance)
  3. Where a lot is in existence and is provided by a private right-of-way recorded at the Cumberland County Registry of Deeds prior to the adoption of this Ordinance (June 14, 2005), and expansion of the right-of-way is not possible, a right-of-way of fifty (50) feet will not be required.
  - ~~3. Back lots shall be prohibited in subdivisions after the adoption of this Ordinance (June 14, 2005).~~
  4. **Private Roads Serving Three or More Residential Units and/or Non-residential Uses:** This subsection is applicable to situations that do not meet the definition of a subdivision. Any access road serving three or more lots shall be constructed within a right-of-way with a minimum width of fifty (50) feet, and with a minimum traveled way width meeting Table 2 in section 8.4 H.4 and the town’s Roadway Ordinance. Drainage culverts at the intersection of the access road and the public street shall be no less than eighteen (18) inch aluminized corrugated metal pipe or equivalent as determined by the Road Commissioner. The access road shall be built to maintain a minimum depth also described in Table 2 in section 8.4H.4 and the town’s Roadway Ordinance.
  5. **In the Farm and Forest District, Residential Shoreland District and Resource Protection District,** back lots shall require a buildable lot containing no less than 4 acres for a single family dwelling unit or non-residential principal structure, and no less than 6 acres for a duplex or two non-residential principal structures, and a minimum lot width of 200 feet. No dwelling unit or other principal structure shall be erected on a back lot closer than 250 feet to an existing public street in these districts.
  6. **In the Village Center District and Village Residential District,** residential back lots shall meet the dimensional requirements for the District, and non-residential back lots shall be a minimum of 1 acre in size.
  7. **In the Water District service area,** the backlot owner may own the right-of-way in fee or by easement. [Amended 6/18/11]

**SECTION 10.28 BACK LOTS AND ACCESS [AMENDED 6/19/21]**

~~A. Single family dwellings, duplex dwellings and non-residential structures shall be permitted on back lots provided they are served by a private right-of-way no less than fifty (50) feet wide, and subject to the following conditions:~~

- ~~1. Where a lot is in existence and is provided by a private right-of-way recorded at the Cumberland County Registry of Deeds prior to the adoption of this Ordinance (June 14, 2005), and expansion of the right-of-way is not possible, a right-of-way of fifty (50) feet will not be required.~~

A. Back lots shall be prohibited in subdivisions after the adoption of this Ordinance (June 14, 2005).

A.B. For Back Lot standards that are not part of a subdivision, see Section 8.3 for standards relating to Back Lots and Street Access Requirements for Back Lots.

- ~~2. **Private Roads Serving Three or More Residential Units and/or Non-residential Uses:** This subsection is applicable to situations that do not meet the definition of a subdivision. Any access road serving three or more lots shall be constructed within a right-of-way with a minimum width of fifty (50) feet, and with a minimum traveled way width of twenty (20) feet. Drainage culverts at the intersection of the access road and the public street shall be no less than fifteen (15) inch aluminized corrugated metal pipe or equivalent as determined by the North Yarmouth Road Commissioner. The access road shall be built to the standards as defined by the town's Roadway Ordinance.~~

- ~~3. **In the Farm and Forest District, Residential Shoreland District and Resource Protection District,** back lots shall require a buildable lot containing no less than four (4) acres for a single family dwelling unit or non-residential principal structure, and no less than six (6) acres for a duplex or two non-residential principal structures, and a minimum lot width of two hundred (200) feet. No dwelling unit or other principal structure shall be erected on a back lot closer than two hundred twenty five (250) feet to an existing public street in these districts.~~

- ~~4. In the Village Center District and Village Residential District, residential back lots shall meet the dimensional requirements for the District, and non-residential back lots shall be a minimum of one (1) acre in size.~~

## SECTION 8.7 SIGNS [AMENDED 5/17/08]

### A. General requirements.

- a. The size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not constitute hazards to vehicles and pedestrians. All materials, illumination colors, lettering styles, locations of signs on the site or building shall be consistent with and proportional to the structures on the site. Signs shall be located so as not to create a hazard or impediment to visibility, particularly at intersections. ~~No signs may be placed at the Veteran's Park at the intersection of Parsonage Road and Memorial Highway except for municipal or state signs.~~ [Amended 6/18/11]

### B. Specific requirements.

1. In the Village Center District signs should be compatible with the village character, and placed on the building, unless the sign would not be reasonably visible from the road in which situation a freestanding sign is an option.
2. **Signs in the Resource Protection District and the Residential Shoreland District** shall also meet the requirements in Section 9.1 Residential Shoreland District and Resource Protection District Performance Standards.
3. Signs shall relate to the premises on which they are located and shall only identify the occupant of the premises or advertise the service available within the premises.
4. No signs shall be erected prior to obtaining a permit.
5. Signs for each building, or single business with multiple buildings shall be no larger than twenty-four (24) square feet in area.
6. Signs shall not be installed above the roofline of a building. The top edge of any freestanding sign shall not be higher than twenty (20) feet vertical measure above the grade of the street nearest the sign support(s).
7. For traffic safety, where vision may be obscured entering a public or private road, the whole of the sign board or display elements of any freestanding sign shall be either below three (3) feet in height or above then (10) feet in height of the road grade. A freestanding sign may be located within the front yard space, but as not to create a traffic hazard. Freestanding signs shall not be located within the street right-of-way.
8. Any sign that is attached to a structure, which overhangs a pedestrian walkway or public sidewalk, shall not extend beyond 5 feet of the structure face to which it is attached.
9. All signs shall be properly maintained. Any sign now or hereafter existing that no longer advertises a bona fide business conducted, an activity or campaign, shall be taken down and

removed by the owner, agent, or person having the beneficial use of the building structure, or lot. Within ten (10) days after written notification from the CEO and, upon failure to comply with such notice within the time specified in such order, the CEO is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or lot to which such sign is attached.

- ~~9. Permanent signs identifying a subdivision shall be subject to approval pursuant to the subdivision standards of Section 5.~~
10. Signs may be illuminated by shielded, non-flashing, non-moving lights. Internally illuminated signs are prohibited. All lighting must be angled and shielded so that it does not directly illuminate adjacent properties. All exterior lighting (including signage lighting) shall be turned on no earlier than one hour before opening of business and turned off no later than one hour after the closing of business, except for necessary security lighting approved by the CEO or Planning Board. All lighting shall comply with the standards set forth in Section 10.9 Exterior Lighting. ~~any design guidelines for foot-candles and height requirements adopted by the Planning Board.~~
11. **Home Occupation Signs:** Signage shall be limited to one sign identifying the name, address and profession of the home occupation, providing that the sign does not exceed four (4) square feet in area, is non-illuminated, and is mounted either flat against the wall of the principal building or on a post, providing the sign does not extend into the public road limits. Signs, exterior displays and any other indications of a home-based occupation in a residential zone require conditional use approval by the Planning Board [Amended 5/30/09]. See Section 11.4 Home Occupations.

**C. Exempt signs: The following temporary signs shall not require a permit or other approval:**

1. **Special Event Signs:** Special event signs shall be allowed with written permission from the property owner as long as these signs are erected no sooner than four (4) weeks prior to the event being advertised. All special event signs must be removed within one week following the event being advertised. Such signs shall be located and erected so as not to create a traffic hazard.
2. Contractor signs: One sign each for a building contractor, architect or engineer, each sign shall not exceed sixteen (16) square feet, relating to construction projects. Such sign shall be removed within one (1) week after construction is complete.
3. Subdivision marketing signs: Subdivisions may have one non-internally lit sign at each public entrance to the development not to exceed thirty-two (32) square feet per sign.
4. Real estate signs: One sign not exceeding sixteen (16) square feet relating to the sale, rental or lease of the premises. Such sign shall be removed within one (1) week after the completion of the property transaction.
5. Political signs are allowed in accordance with State law, except as follows: political signs are prohibited from being placed on the following Town owned properties: **Town Office**- located at 10 Village Square Road – tax map 7 lot 64; **Fire Station** - located between Routes 9 & 115 (463 Walnut Hill Road and Memorial Highway) – tax map 7 lot 66; **Public Works Garage**- located at 40 Parsonage Road- tax map 7 lots 84 & 92; **Wescustogo Hall** – located at 475 Walnut Hill Road tax map 7 lot 64; **Veterans Memorial Park** – located at the corner of Memorial Highway and Parsonage Road – tax map 7 lot 76.

**D. Nonconforming Signs:** All nonconforming signs may continue to be used and maintained. When



nonconforming signs are replaced, they must be replaced with signs that conform to allthe requirements ~~of Section 8.7~~in this section of the ordinance.

- E. Maintenance and basis for revocation: All signs shall be properly maintained. The CEO may revoke any permit for a sign not properly maintained. Any signs not properly maintained, any sign now or hereafter existing that:
1. no longer advertises a bona fide business conducted,
  2. an activity or campaign,
  3. or is not exempt or a permitted non-conforming sign, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building structure, or lot. Within ten (10) days after written notification from the CEO that such sign should be removed, and, upon failure to comply with such notice within the time specified in such order, the CEO is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or lot to which such sign is attached.

## SECTION 10.18 SIGNS

A. For general sign standards, refer to Section 8.7 Signs.

~~A. The size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not constitute hazards to vehicles and pedestrians. All materials, illumination colors, lettering styles, locations of signs on the site or building shall be consistent with and proportional to the structures on the site. Signs shall be located so as not to create a hazard, particularly at intersections. The locations shall be selected in terms of visibility.~~

~~B. In the Village Center District signs should be compatible with the village character, and placed on the building, unless visibility is impaired and a freestanding sign is the best option.~~

B. Subdivision Standards

a. Permanent signs identifying a subdivision shall meet the requirements set forth in Section 8.7 Signs and also shall be subject to approval pursuant to the standards set forth in Section 5 Subdivision Review and Criteria.

~~C. Signs may be illuminated by shielded, non-flashing, non-moving lights. Internally illuminated signs are prohibited. All lighting must be angled and shielded so that it does not directly illuminate adjacent properties. All exterior lighting (including signage lighting) shall be turned on no earlier than one hour before opening of business and turned off no later than one hour after the closing of business (except for necessary security lighting approved by the CEO or Planning Board. All lighting shall comply with any design guidelines for foot-candles and height requirements adopted by the Planning Board.~~

C. Site Plan Review Standards

a. Municipal and Public Safety signs that do not comply with Town Ordinances ~~must have~~require Site Plan Review approval by Planning Board.

## SECTION 8.9 WATER QUALITY

A. **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, including existing and potential groundwater supplies, or the water classification of the water body. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life.

a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

- B. Groundwater Protection Overlay District: All development and land use activities located within the Groundwater Protection Overlay District shall comply with the Section 9.2. Groundwater Protection Overlay District: Best Management Standards.
- C. Groundwater: Land use activities must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine. Groundwater withdrawals by proposed land use activities shall not lower the water table beyond the boundaries of the development in a way that would impair or significantly diminish the permissible use of groundwater on land outside the development.
- D. Wellhead Protection: No activity shall be sited so as to contaminate or otherwise negatively impact public or private water supplies. Proposed uses, such as junkyards, automobile graveyards, bulk storage of petroleum products, automobile repair and service stations must be located at least five hundred (500) feet from existing private and public water supplies. Underground fuel storage tanks must be located one thousand (1,000) feet from public water supply wells, and septic systems must be located at least three hundred (300) feet from public water supply wells. Any uses proposed to be located within the Groundwater Protection Overlay District must comply with the requirements of Section 9.2. Groundwater Protection Overlay District: Best Management Practices.

## SECTION 9.2 GROUNDWATER PROTECTION OVERLAY DISTRICT: BEST MANAGEMENT PRACTICES

- A. **Purpose:** The purpose of these provisions are to maintain and preserve critical groundwater resources associated with existing and future public water supplies of the Yarmouth Water District. The protection of groundwater is critical to maintaining the health, safety and general welfare of the residents of North Yarmouth and other users of the public water supplies.
- B. **Applicability:** All land use activities located within the Groundwater Protection Overlay District shall conform to these provisions. Land use activities shall be reviewed on accordance with Section VII. Zoning District Regulations. These standards are in addition to those of the underlying district. Where there are conflicts within the provisions of this Ordinance the more restrictive provisions shall apply.

### Exemptions:

1. The review portions of this Section shall not apply to use and storage of normal quantities of household products. However, homeowners shall use best management practices and whatever means practical to insure that chemicals and nutrients do not get into the groundwater.
  2. The review portions of this Section shall not apply to essential operations of the Yarmouth Water District or other official safety or utility entities. However, these entities shall use best management practices and whatever means practical to insure that pollutants do not get into the groundwater.
- C. **Monitoring and Follow-up:** The provisions of the Groundwater Protection Overlay District will be evaluated periodically based on need, with a complete re-evaluation no later than the year 2010, or when the total number of residential units within in that portion of the Groundwater Protection Overlay District that overlays the Village Center District and adjacent areas, approaches a total of

450 residential units. The Yarmouth Water District will install groundwater-monitoring wells to provide on-going data and analysis on the impacts of residential and other types of development on groundwater quality. The Code Enforcement Officer (CEO) will track the total number of residential units, and will consult with the Yarmouth Water District at least once a year to discuss the groundwater monitoring results. The groundwater monitoring data will be used to re-evaluate the maximum threshold of 450 residential units for this area, and the minimum lot size and density standards of these provisions.

- D. **Restoration of Unsafe Property:** Nothing in this Section shall prevent the strengthening or restoring to safe condition any part of any structure or use declared unsafe by the CEO.
- E. **Control of Existing Threats, Inspections and Monitoring:** The CEO shall have the right to enter and inspect all premises that carry on the land uses listed in Section VII. Zoning District Regulations Table 7-1. Land Uses by District, and any other uses that pose as a potential threat to groundwater due to their location in the Groundwater Protection Overlay District. A representative of the Yarmouth Water District, including a consultant, may accompany the CEO. Further, the CEO shall have the right, upon twenty-four (24) hour notice, to conduct such testing, as the town may deem appropriate to determine that best management practices and groundwater pollution control devices are in good condition and are working properly. Such testing shall be at the town or water district's expense. If such testing indicates that the groundwater has been contaminated above the State Primary or Secondary Drinking Water Standards, then further testing shall be at the expense of the existing owner of the land in question. Additionally, the owner shall reimburse the town and/or the water district for expenses incurred in the initial well installation and testing. The town and the Yarmouth Water District shall have the right to install groundwater-monitoring wells and shall further maintain the right to sample such wells on properties within the Groundwater Protection Overlay District when the town or water district can clearly show that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats.
- F. **Yarmouth Water District Assistance:** The town may request assistance in administering and enforcing the provisions of the Groundwater Protection Overlay District from the Yarmouth Water District. The town shall notify the Yarmouth Water District of all pending applications; the time, date, and place of Planning Board, CEO, Local Plumbing Inspector, Zoning Board of Appeals, or other local consideration of the application; and give the Yarmouth Water District an opportunity to review and comment on the proposal. The Yarmouth Water District or its designee may present evidence and comment before or during public hearings or meetings concerning development or activity in the Groundwater Protection Overlay District. A copy of correspondence relative to the proposal, such as complete application determinations, approvals, and plans, shall be sent to the Yarmouth Water District.
- G. **Best Management Practices Required of All Development and Land Uses:** All development and land use activities, including development and land use activities in existence as of the date of adoption of these provisions (June 14, 2005), located within the Groundwater Protection Overlay District shall comply with the following Best Management Practices to protect the quality and quantity of the public water supply. Best Management Practices, as applied in the State of Maine, are management practices that will mitigate the impacts of the activity on water quality. In some instances, there may be more than one management practice that would accomplish the same result. In other instances, depending on the site location and on-site conditions, more than one management practice may be needed to fully mitigate the problem. Therefore, the CEO and the Planning Board shall use their discretion to determine which management practices apply, and in the case of existing development and land use activities, the timeframe for compliance. The Planning Board and CEO shall require all development located within the Groundwater Protection Overlay District to comply with the Best Management Practices contained in this Section and may

refer to additional applicable Best Management Practices which have been published by or in conjunction with the Maine Drinking Water Program, Maine Department of Environmental Protection (DEP), or other technical experts.

H. **Best Management Practices:**

1. **Chemical Storage:** Chemical storage includes storage in tanks (above and underground), and drums of different sizes. It can also include storage of solid chemicals in bags, or in bulk (in piles or silos). The principal chemicals of concern regarding groundwater contamination include petroleum products, solvents, agricultural chemicals (fertilizers, herbicides, fungicides, etc.), manure and road salt. Stored waste chemicals are also a concern. (*\* These special provisions pertain to “large” facilities and storage units. Large is defined as in excess of 275 lbs solid and 275 gallons liquid.*)
  - a. All chemicals shall be stored under cover, and on impervious working surfaces, without floor drains. Storage space shall be designed so that failures, emergencies, extreme storm events or routine site clearing will not cause material or wash water to run on the bare ground.
  - b. Secondary containment shall be designed to include impervious holding of fluids of at least twentypercent (20%) of the volume of storage of all liquid chemicals, and one hundred ten percent (110%) of the volume of the largest storage container, by permanent dikes or other means.
  - c. \*Tanks for liquid storage shall be equipped with automatic shutoffs and high level alarms. Personnel shall be trained to respond to shutoffs and alarms.
  - d. All piping shall be designed to prevent line breakage by collision.
  - e. All containers and piping shall be secure and resistant to corrosion, and shall be clearly labeled with name of chemical, and date of purchase (or generation of waste).
  - f. \*A Spill Prevention, Containment and Countermeasure Plan (SPCC) shall be prepared under DEP guidance, and for submittal to the CEO, Fire Department and the Yarmouth Water District. This plan shall include provisions to prevent and catch spills during loading and transfer activities. This SPCC plan shall be reviewed and updated annually.
  - g. \*All storage areas shall be inspected at least weekly, and an inventory and tracking system of inspections shall be maintained.
  - h. Adequate spill clean up materials must be kept on hand at the facility. Spills must be cleaned up promptly, and spilled materials disposed of properly.
  - i. “Pre-plans” for firefighting must be prepared bearing in mind the possibility that chemicals could cause groundwater contamination if washed out of a burning building by water. Foam materials and spray plans should be included in the plan, appropriate to the materials and quantities stored in the facility.
  - j. The DEP’s hazardous waste regulations must be followed.
  - k. Manure and ash and liming agents used for agricultural purposes must be stored under cover.

2. **Chemical Use:** Chemical use includes but is not limited to: combustion, degreasing and other cleaning, mixing and dilution with other chemicals or water, catalytic reactions, all with or without the production of a waste material. Some waste materials are recycled on a limited scale during the process. Types of chemicals include all those listed above under chemical storage, except for agricultural chemicals, manure and road salt.
  - a. Use non-hazardous chemicals whenever possible. If hazardous chemicals must be used, provide justification for why they cannot be replaced by non-hazardous chemicals.
  - b. Design chemical feed lines and temporary storage containers to prevent spillage by collision and corrosion.
  - c. Clearly label all storage vessels and chemical feed lines with chemical name.
  - d. Check for spillage and leaks at least weekly. Leaking containers must be removed or placed in over-packs (secure containers that are larger than the leaking container).
  - e. Prepare a SPCC Plan under DEP guidance (see H.1. above). This plan shall include provisions for cleaning up small spills and containing large spills in emergency. Keep emergency cleanup materials on hand.
  - f. All spills must be promptly reported to DEP, the CEO and North Yarmouth Fire Department, and the Yarmouth Water District.
3. **Chemicals and Organic Materials Spreading or Spraying:** “Agricultural and Silvicultural” applies in this case to areas of greater than two (2) acres (includes transportation or utility corridors), or hoop/greenhouses, or nursery/garden shops greater than one thousand (1,000) square feet.
  - a. **Application of Agricultural and Silvicultural Chemicals:**
    - 1) All pesticides and/or herbicides shall be applied in accordance with label directions and the regulations of the Maine Board of Pesticides Control.
    - 2) Herbicides and pesticides must only be applied by trained personnel, i.e. by certified applicators, who must be informed regarding the delineated Groundwater Protection Overlay District.
    - 3) All agricultural fertilizers shall be applied in accordance with label directions.
    - 4) Fertilizer applications are to be tailored to the specific needs of the crop, as determined by soil suitability analyses. Use of slow-release fertilizers is preferred.
    - 5) Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching. Pesticides and fertilizers shall not be applied to frozen ground, or immediately before storm events.
    - 6) Notice of intent to apply agricultural chemicals shall be given to the CEO and the Yarmouth Water District at least five (5) days prior to application.
  - b. **Spreading of Organic Materials in Agriculture:**

- 1) A Nutrient Management Plan must be provided for all farming activities. Such a plan shall describe how animals will be kept within the area, (the number of animals will in any case not exceed twenty (25) animal units (1 unit =1,000 lbs of live animal weight) per ten (10) acres of land),and/or how manure will be stored, handled and spread (no more than fifty (50) tons of manure to be used per ten (10) acres).
- 2) Application of manures shall be tailored to the specific needs of the crop, as determined by soil suitability analyses.
- 3) Manures shall not be applied over very thin soils (less than one (1) foot) or exposed bedrock.
- 4) Manure shall not be applied on frozen ground, or immediately before storm events.

**4. Road Maintenance, Parking Areas and Storm Water:**

- a. Storm water from frequently used parking lots (e.g. for commercial establishments, and workplaces) shall be diverted away from the Groundwater Protection Overlay District, if possible, and shall not be channeled into bodies of water. Filter strips and vegetated areas shall be installed and maintained wherever possible.
- b. Storm water impoundments, detention basins and ponds shall be located outside the Groundwater Protection Overlay District whenever possible. These systems shall be inspected frequently and maintained in good working order.
- c. The use of road salt, sand and chemicals should be minimized. Salts and chemical shall be stored away from water bodies or drainage swales, on an impermeable surface and covered with waterproof material.
- d. Ditches and catch basis shall be inspected regularly to prevent excessive sediment build-up.
- e. Snow shall not be dumped into bodies of water.
- f. Oil shall not be used on roads. Water may be used to control dust.
- g. Vehicles transporting or storing hazardous materials (other than fuel to operate the vehicle) shall not park in the Groundwater Protection Overlay District overnight, unless in a secure, contained area. The CEO, Yarmouth Water District and North Yarmouth Fire Department shall be notified in advance of any such parking.
- h. Vehicles and equipment using chemicals or petroleum products that are parked in the Groundwater Protection Overlay District shall be kept in good operating condition and regularly inspected for leaks, deterioration, malfunctions and spills. Any leaks or spills shall be cleaned up promptly, and the CEO, North Yarmouth Fire Department, and Yarmouth Water District notified immediately.

- 5. Residential Activities, Home Occupations and Other Wastewater Disposal:** Activities of concern include: production of septic wastes, use of gasoline or fuel oil, automotive or similar shopwork, lawn or garden care with fertilizers and pesticides, use and disposal of chemicals from home occupations such as photographic studios, beauty salons, car washing activities, etc.

Most homes contain stores of small quantities of several hazardous chemicals (gasoline, fuel oil, bleach, paint thinners, pesticides, drain cleaners, etc.). Even disposal of small quantities of these chemicals through septic systems or on the ground can cause significant groundwater contamination.

- a. Residents and other owners of properties located within the Groundwater Protection Overlay District should be informed of the potential for groundwater contamination from domestic use of various chemicals.
  - b. Home occupations shall not negatively impact groundwater quality. No on-site disposal of chemicals from home occupations shall be allowed within the Groundwater Protection Overlay District.
  - c. Developers of residential subdivisions and other developments with significant amounts of wastewater shall complete a nitrate loading study. The concentration of nitrate at the well shall be calculated, using the following conservative estimates: concentrations of nitrate leaching from the septic system: 40 ppm; volume of leachate per day per housing unit: three hundred sixty (360) gallons; natural recharge rates for precipitation through soils: 0.5 gallons per minute per acre. Such mass balance calculations shall include all existing septic systems and the proposed development. In order to be allowed, the applicant must find that nitrate concentrations will not exceed twenty-five percent (25%) of drinking water standard at a Yarmouth Water District well.
  - d. Provisions shall be made to maintain septic systems in good working order. Septic tanks shall be pumped out and the systems inspected, and any needed repairs or replacements made, at least every three (3) to five (5) years.
  - e. Heating oil tanks and other fuel tanks shall be located inside or on a stable concrete slab aboveground if outside. If located outside, filters and lines shall be protected from breakage. Tanks and lines shall be inspected and tested for leaks regularly.
  - f. The use of floor drains is strongly discouraged, and may occur only when absolutely necessary. Water entering floor drains shall be prevented from picking up pollutants or treated to ensure that pollutants do not enter the groundwater. Existing floor drains shall be sealed whenever possible, so that pollutants do not enter the groundwater.
  - g. New and existing structures shall be connected to public sewer whenever possible. Sewer lines and related piping shall be carefully inspected to insure proper installation, and tested for leakage and certified by the Local Plumbing Inspector. Lines shall be properly maintained and tested for leakage periodically. Sewers and drainage systems shall be designed to assure that storm water does not enter sanitary sewers. Malfunctionings, failings, reconstructions, or problems with sewers shall be reported promptly to the CEO and the Yarmouth Water District.
  - h. Any spills should be reported to the CEO and the Yarmouth Water District immediately.
6. **Fire Protection:** A “Pre-Plan” for fire prevention and fire suppression for all facilities that store, handle or use hazardous materials shall be prepared. These plans should be tailored to the materials stored on site, and designed to limit groundwater contamination in the event of fire.



7. **Mineral Extraction:** Mineral extraction, including sand and gravel extraction may cause unintended changes in the flow of groundwater. Any mineral extraction produces pits, which can be used for illegal dumping. Vehicles used for mineral extraction may cause spills. Rock crushers use water that may wash pollutants into the groundwater.
  - a. The following activities shall be prohibited in the Groundwater Protection Overlay District: mining for metallic ores, rock crushers, salting and oiling of roads, and the storage of petroleum products, vehicles, chemicals and hazardous materials.
  - b. Disused gravel pits shall be reclaimed according to plans submitted to the town and the Yarmouth Water District.
  - c. All mineral extraction activities must have emergency spill response plans and equipment on hand such that a spill totaling the full fuel tanks of the largest vehicle used in the pit can be removed outside the Groundwater Protection Overlay District within one day.
8. **Fill:** Only clean non-polluting fill (no non-natural odors, non staining, and not originating at a known spill site) may be used for filling depressions or raising the ground level. Fill areas shall be well setback from rivers, streams, brooks, ponds, wetlands and other bodies of water and appropriate erosion and sedimentation control measures shall be implemented.
9. **Wells:** Wells provide a possible conduit for contaminants originating in surface water, or upper aquifers to migrate to groundwater below.
  - a. Wellheads shall be designed such that surface water does not enter groundwater through of the borehole around the well casings.
  - b. Wells that penetrate to lower aquifers shall have the space between borehole and casing grouted where it crosses an aquiclude.
  - c. Wells that are no longer in service for extraction or monitoring shall be abandoned in a manner appropriate to prevent the entry of contaminants and from mixing of separate subsurface water-bearing zones. This may involve the use of bentonite and/or cement grout where a watertight seal is deemed necessary.
  - d. High yielding wells (for uses other than domestic purposes) will only be allowed if a safe yield analysis, conducted by a Maine certified geologist, can demonstrate that there is sufficient water for both the new well and the public water source.
  - e. Wells shall be inspected regularly to check for structural integrity, capping, and any needed repairs or maintenance.

**10. Animal Husbandry:**

- a. A Nutrient Management Plan must be provided for all farming activities. Such a plan shall describe how animals will be kept within the area, (the number of animals will in any case not exceed 25 animal units (1 unit =1000 lbs of live animal weight) per ten (10) acres of land), or how manure will be spread (no more than fifty (50) tons of manure to be used per ten (10) acres).
- b. Application of manures shall be tailored to the specific needs of the crop, as determined by soil suitability analyses.

- c. Manures shall not be applied over very shallow soils (less than one (1) foot) or exposed bedrock.
- d. Manure shall not be applied on frozen ground, or immediately before storm events.
- e. Animal husbandry operations shall be pursuant to Section 9.2 Groundwater Protection Overlay District: Best Management Practices.

## SECTION 10.24 WATER SUPPLY

- A. **Public Water Supply:** When a proposed development is to be served by a public-centrally managed water system, the complete supply system, including fire hydrants (if necessary), shall be installed at the expense of the developer.
1. The developer shall provide a written statement from the Yarmouth Water District that adequate supply and pressure for both domestic and fire- fighting purposes can be provided without placing an undue burden on the source, treatment facilities, or distribution system involved. The developer shall be responsible for paying the costs of system improvements necessary to serve the subdivision or development.
  2. The complete design and construction of the system, including the materials, size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Yarmouth Water District and the North Yarmouth Fire Chief.
- B. **Required Connection to Public Water Supply:** The Planning Board may require that any development that is located within one thousand (1,000) feet of an existing or planned water line of the Yarmouth Water District make provisions for connection to the public system. Any such installation shall meet these specifications and be approved by the Yarmouth Water District prior to installation. When public water supply service will not be available at the time of construction of the development, the Planning Board may require a “capped system” to allow future connection when service becomes available. Any such installation shall be approved by and meet the specifications of the Yarmouth Water District prior to installation.
- C. **Individual Wells:** Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination. Lot design shall permit placement of wells and subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Laws. Due to the increased chance of contamination from surface water, new dug wells shall be prohibited on lots of smaller than one acre, unless evidence is presented by a certified hydrogeologist or similar expert assuring that a dug well can be safely utilized on the lot. New dug wells shall not be constructed within one hundred (100) feet of the traveled way of any public road if located downhill (where the average gradient is in excess of three percent [3%]) from the public road, or within fifty (50) feet of the traveled way of any public road if located uphill of the public road. This restriction shall be included as a note on the plan and deed restriction to the effected lots. The location of wells and subsurface wastewater disposal systems shall be shown on the Final Plan.
- D. **Fire Protection:**
1. Fire hydrants connected to a public water supply system shall be located no further than five hundred (500) feet from any building.
  2. A minimum storage capacity of ten thousand (10,000) gallons shall be provided for a subdivision not served by a public water supply. Additional storage of two thousand (2,000) gallons per lot or principal building shall be provided. The Planning Board may require additional storage

capacity upon a recommendation from the Fire Chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three (3) feet of ice.

3. Hydrants or other provisions for drafting water shall be provided to the specifications of the North Yarmouth Fire Department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches.
4. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the town shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.

### SECTION 10.25 WATER QUALITY [AMENDED 6/19/21]

A. Water Quality: No development 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, including existing and potential groundwater supplies, or the water classification of the water body.

~~1. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.~~

~~2.1.~~ All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the Maine Fire Marshall's Office.

~~3.2.~~ Developments shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.

~~4.3.~~ Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waters.

~~B. **Wellhead Protection:** No activity shall be sited so as to contaminate or otherwise negatively impact public or private water supplies. Proposed uses, such as junkyards, automobile graveyards, bulk storage of petroleum products, automobile repair and service stations must be located at least five hundred (500) feet from existing private and public water supplies. Underground fuel storage tanks must be located one thousand (1,000) feet from public water supply wells, and septic systems must be located at least three hundred (300) feet from public water supply wells. Any uses proposed to be located within the **Groundwater Protection Overlay District** must comply with the requirements of Section 9.2. Groundwater Protection Overlay District: Best Management Practices.~~

~~C.B. **Requirements for Hydrogeologic Assessments:** When a hydrogeologic assessment is required, the assessment shall contain at least the following information:~~

1. A map showing the basic soils types to a Class A (high intensity) Soil Survey

2. The depth to the water table at representative points throughout the development
3. Drainage conditions throughout the development
4. Data on the existing groundwater quality, either from test wells in the development or from existing wells on neighboring properties
5. An analysis and evaluation of the effect of the development on groundwater resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the development, or at the development boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shortest distance
6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the development and within two hundred (200) feet of the development boundaries

D.C. Projections of groundwater quality shall be based on the assumption of drought conditions (assuming sixty percent (60%) of annual average precipitation).

**D. Subdivision Standards:**

- a. No development shall increase any contaminant concentration in the groundwater to more than one half of the Primary Drinking Water Standards. No subdivision or development shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
- b. If groundwater contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- c. If groundwater contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to rise above the ambient concentration.
- d. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce groundwater contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deed to the affected lots.
- e. The locations of approved subsurface wastewater disposal systems and drinking water well zones shall be shown on the final plan.

## SECTION 8.12 FLOODPLAIN MANAGEMENT

- A. If any portion of the site is located within a 100-year floodplain area as identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps and the Flood Hazard Boundary Maps (most recent versions), all use and development of that portion of the site must be consistent with the town's Floodplain Management Ordinance.
- B. Building Prohibited on Floodplains:**
1. Buildings are prohibited within the 100-year floodplain area as identified by ~~FEMA~~ the Federal Emergency Management Agency on the town's Flood Insurance Rate Maps and Flood Hazard Boundary Maps. Identification of the 100-year floodplain shall be in accordance with the North Yarmouth Floodplain Management Ordinance.
  2. The development plan should include a statement that building is prohibited on the 100-year floodplain, and the restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure.
  3. 100-year floodplains may be used as woodlands, grasslands, pastureland and for passive outdoor recreation.
  4. Piers, docks, wharves, bridges and boat ramps and associated parking are permitted within the 100-year floodplain pursuant to Section 9.1. Residential Shoreland District and Resource Protection District Performance Standards subsection E, and the town's Floodplain Management Ordinance.

## SECTION 10.11 FLOODPLAIN MANAGEMENT

~~A. If any portion of the site is located within a 100-year floodplain area as identified by the Federal Emergency Management Agency on the Flood Insurance Rate Maps and the Flood Hazard Boundary Maps (most recent versions), all use and development of that portion of the site must be consistent with the town's Floodplain Management Ordinance.~~

~~B.A. Site Plan Review~~**Development/Subdivision Requirement:** All developments and subdivisions shall include written certification as to the location of the 100-year floodplain boundary to include a map of the 100-year floodplain boundary overlaid onto a U.S.G.S. Quadrangle Map or other topographic map by a professional land surveyor, registered professional engineer or architect. The determination shall be based on engineering practices recognized by the Federal Emergency Management Agency (FEMA) and the provisions of the town's Floodplain Management Ordinance, including the most recent FEMA maps for the town. All proposals include base flood elevations, flood boundaries, and, in a riverine 100-year floodplain, floodway data. These determinations shall be based on engineering practices recognized by ~~FEMA~~ the Federal Emergency Management Agency.

C-B. Buildings Prohibited on Floodplains:

1. Buildings are prohibited within the 100-year floodplain area as identified by ~~FEMA~~~~the Federal Emergency Management Agency~~ on the town's Flood Insurance Rate Maps and Flood Hazard Boundary Maps.
2. The development plan should include a statement that building is prohibited on the 100-year floodplain, and the restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure.
3. 100-year floodplains may be used as woodlands, grassland, pastureland and for passive outdoor recreation.
4. Piers, docks, wharves, bridges and boat ramps and associated parking are permitted within the 100-year floodplain pursuant to Section 9.1. Residential Shoreland District and Resource Protection District Performance Standards and the town's Floodplain Management Ordinance.

**SECTION 10.23 RECREATION AND OPEN SPACE LAND [AMENDED 6/19/21;4/30/22]**

A. **Applicability and Purpose:** This section is applicable to developments proposed for the Village Center District and the Village Residential District. The purpose of these provisions is to provide for the development of useable open space and recreation land within residential neighborhoods, to include, but not limited to: playgrounds, ball fields, picnic areas, passive open space, and networks of inter-connected trails, walkways and bicycle paths. Landscaping of these areas should be designed to enhance their use for recreation while providing privacy for individual homeowners.

B. **Retention of Useable Open Space and Recreation Land:**

1. The Planning Board shall require the reservation of land for proposed or future parks, playgrounds, trails, walkways, bicycle paths, or conservation areas to benefit the residents of the proposed development and the general public. Reserved land must be of suitable dimension, topography and general character for the proposed recreational use and must be reasonably accessible to residents of the development and the public. This land shall be designated as Common Open Space and Recreation Land.
2. The percentage of useable open space and/or recreational land to be reserved shall depend on the identified needs for outdoor recreation in the portion of the town in which the development is located, the proposed lot sizes within the development, the expected demographic makeup of the occupants of the development, and the site characteristics. The following table provides guidelines for determining the amount of useable open space and recreation land that should be set-aside in developments.
3. At least seventy five percent (75%) of the common open space shall be contiguous to other common open space area within the parcel being developed. Areas shall be considered contiguous if they are within one hundred (100) ft of each other and there are no impediments to access between areas.
4. No area of common open space shall be less than fifty (50) ft in its smallest dimension and less than ten thousand (10,000) sq ft in total, unless the proposed open space is sufficient to satisfy the requirements of this Section 10.23. Open space not meeting this standard may be permitted



but must be for enhancement of the project and will not be counted toward the required common open space requirements.

5. The boundaries of any parcel of open space shall be marked by natural features wherever possible, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations are present, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where the open space ends and private lot areas begin. Where structural demarcations, such as fences are used, they shall be limited to the extend necessary to accomplish this objective.

<b>Guidelines for the Percentage of Total Parcel to be Reserved for Common Open Space and Recreation Land</b>		
<b>Type of Development</b>	<b>Average Size of Lots</b>	<b>Percentage of Total Parcel to be Reserved</b>
<b>Single Family Lots</b>	80,000 square feet or greater	1.6%
	40,000 square feet	3.3%
	20,000 square feet	6.5%
	15,000 square feet	8.7%
	10,000 square feet	13.0%

C. **Waivers for Minor Subdivisions:** The Planning Board may waive this requirement for minor subdivisions if the Planning Board makes a written finding, supported by an explanation, that the useable open space and/or recreation land is not necessary due to the location of the proposed development near existing publicly accessible open space/recreation land; or where there are no opportunities to contribute to a network of open space land, or inter-connected trails, walkways and/or bicycle paths. The applicant must submit a written request for the waiver and provide the evidence necessary for the Planning Board to make its written findings.

D. **Ownership and Maintenance of Common Open Space and/or Recreation Land:**

1. All common open space and/or recreation land, facilities and property shall be owned by:
  - a. The owners of the lots or dwelling units by means of a lot owners' association;
  - b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
  - c. The town.
2. Further subdivision of the common open space and/or recreation land and its use for other than non-commercial recreation, agriculture, forestry and/or conservation purposes, except for easements for underground utilities and subsurface wastewater disposal systems, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the town, there shall be a conservation easement deeded to the town prohibiting future development.
3. **Monitoring Fee:** The Planning Board may require a fee for the ongoing monitoring of the management of the common open space and/or recreation land, in compliance with the requirements of the approved plan.

4. The following items must be submitted with the subdivision application:
  - a. A description of all common open space and any other lands and facilities proposed to be owned by the Town, a conservation organization, or a homeowner's association, or that will be permanently protected by conservation easements. This description shall include a map indicating the approximate location of these lands and facilities.
  - b. A description of proposed ownership arrangements for the parcels identified in Section 10.23.D.1.
  - c. A description of the proposed conservation restrictions that will permanently protect these parcels.
  - d. A description of proposed arrangements and the responsible party for the long-term stewardship of the common open space including management objectives and techniques for each parcel or area.

**E. Homeowners Association Requirements:** ~~Any homeowner's association shall be established pursuant to Section 11.09 Home Owner/Property Owner's Associations.~~

1. ~~If any of the open space, recreational or other facilities are to be reserved by the individual residential unit owners as common open space or facilities, each unit owner shall own a fractional interest in the common open space or facilities, and the developer shall be required prior to final subdivision plan approval to incorporate a homeowners' association consisting of the individual unit owners, which incorporation must comply with the following:~~
  - a. ~~Proposed covenants shall be placed in each deed from the developer to the individual unit owner, which deed covenants shall require mandatory membership in the homeowners' association, and shall set forth the unit owners' rights, interests, privileges and obligations in the association and in the common open space and/or facilities, including homeowners association's responsibility and obligation to maintain and/or monitor the common open space and/or any facilities.~~
  - b. ~~The homeowners' association shall develop a system to levy and collect annual charges against any and all individual lot owners to defray any expenses connected with the maintenance of common open space and/or facilities, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.~~
  - c. ~~The developer shall maintain control of the common open space and/or facilities, and shall be responsible for its maintenance until seventy five percent (75%) of the residential dwelling units/lots in the subdivision have been sold, at which time, the homeowners' association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.~~
  - d. ~~All such proposed deed covenants and other legal documents pertaining to the common open space and/or facilities shall be reviewed by the Town Attorney, and, if approved by the Planning Board, shall be recorded in the Cumberland County Registry of Deeds, and included or referred to in the deed to each unit.~~
  - e. ~~All legal documents required under this subsection must be submitted with the final subdivision plan application.~~

**SECTION 11.9 ~~[RESERVED]~~ HOME OWNER/PROPERTY OWNERS' ASSOCIATIONS**

~~A. **Purpose and Applicability:** The purpose of this section is to assure the continued maintenance of common open space, and recreational and other facilities within residential developments.~~

~~B. **Standards and Requirements:**~~

1. ~~If any of the open space, recreational or other facilities are to be reserved by the individual residential unit owners as common open space or facilities, each unit owner shall own a fractional interest in the common open space or facilities, and the developer shall be required prior to final subdivision plan approval to incorporate a homeowners' association consisting of the individual unit owners, which incorporation must comply with the following:~~
  - a. ~~Proposed covenants shall be placed in each deed from the developer to the individual unit owner, which deed covenants shall require mandatory membership in the homeowners' association, and shall set forth the unit owners' rights, interests, privileges and obligations~~

~~in the association and in the common open space and/or facilities, including homeowners association's responsibility and obligation to maintain and/or monitor the common open space and/or any facilities.~~

- ~~b. The homeowners' association shall develop a system to levy and collect annual charges against any and all individual lot owners to defray any expenses connected with the maintenance of common open space and/or facilities, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.~~
- ~~c. The developer shall maintain control of the common open space and/or facilities, and shall be responsible for its maintenance until seventy five percent (75%) of the residential dwelling units/lots in the subdivision have been sold, at which time, the homeowners' association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.~~
- ~~d. All such proposed deed covenants and other legal documents pertaining to the common openspace and/or facilities shall be reviewed by the Town Attorney, and, if approved by the Planning Board, shall be recorded in the Cumberland County Registry of Deeds, and included or referred to in the deed to each unit.~~
- ~~e. All legal documents required under this subsection must be submitted with the final subdivision plan application.~~

## SECTION 10.34 OFF STREET PARKING [AMENDED 6/19/21]

- A. **Applicability:** Off street parking shall be provided for all new construction, expansions, and changes of use in accordance with the requirements and standards in this section. Off street parking, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district. This section does not apply to single family residential units.
- B. **General Requirements:** Proposals subject to development review shall be accompanied by plans and information making provision for off-street parking. Such plans shall attempt to balance the provision of adequate parking for the project under review while minimizing the development of visible paved areas. Parking areas must be constructed to protect the natural environment and visual character of the community, improve pedestrian safety and accessibility, and promote the quality of life in developed areas.
- C. **Parking Layout and Design:** Off-street parking must conform to the following standards:
1. Parking shall be provided on the lot occupied by the use for which the parking is required, or on an adjacent lot owned or controlled by such use.
  2. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the public road. In no instance shall off-street parking be designed so that vehicles back out into Routes 115, 9, 231 or North Road.
  3. Off-street parking shall be located behind or to the side of the principal building and shall be landscaped. All parking spaces, access drives, and impervious surfaces must be located at least five (5) feet from any side or rear lot line, except where standards for buffer yards require a greater distance or where two adjacent lots share a parking lot.
  4. All plans for parking areas shall include a landscaping plan which adequately screens parking lots, and that provides interruptions of parking spaces.
  5. The joint use of a parking area by two or more principal buildings or uses may be approved where it is clearly demonstrated that the parking area would meet the intent of this section in the probable time of maximum use by patrons and employees. In approving shared parking, the permitting authority shall require cross-easements or other legally enforceable documents for shared parking which permanently ensure the shared parking arrangement.
  6. Parking areas shall be constructed with a suitably durable surface that minimizes dust and is appropriate for the use of the land, with adequate drainage. Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and run-off. Oil traps may be required for larger paved parking lots. Parking areas to be used at night shall be lighted in a manner that does not result in direct lighting to or glare to abutting residential properties or cause a traffic hazard due to glare.
  7. All individual parking spaces shall be nine (9) feet by eighteen (18) feet. The provision for oversized parking spaces shall be permitted for activities that normally serve oversized vehicles, such as recreation vehicles and trucks. Aisles shall be a minimum of twenty-four (24) feet for two-way traffic, and fourteen (14) feet for one-way traffic.

USE	Parking Spaces Required (Minimum)
Residential: Single Family, Duplex	2 per dwelling unit
Multiple Residential Units in a permitted Building type	1.0 spaces per dwelling unit
Home Business	2 spaces in addition to required parking for residence (may be reduced by Board of Appeals)
Municipal Use	1.25 spaces per employee plus 1 space per 150 square feet of floor area for public assembly & meeting room space
Institutional and/or Places of Public Assembly, such as Theaters, Auditoriums, Churches, Synagogues, Gymnasiums, Stadiums, Sports Arenas	1 space per 4 seats plus 1 space per 2 employees
Day Care Center and Nursery School	1 per employee/volunteer worker plus a safe area for vehicle pick-up and drop-off of students/children
Schools	<u>Grades K-8:</u> 1 space per classroom plus 1 space for each employee plus parking in accordance with the places of public assembly <u>Secondary:</u> 8 spaces per classroom plus parking in accordance with the places of public assembly
Commercial Retail Sales	3 spaces per 1,000 square feet plus 1 space per employee
Gas and/or Service Station; Auto Repair Garage	.25 space per fuel pump plus 1 space per employee plus 4 spaces per service bay
Bank	4 spaces per 1,000 square feet of floor area
Personal Services, Business Services, Business and Professional Offices (non-medical)	3 spaces per use or 4 spaces per 1,000 square feet of floor area (or 1 space per 250 square feet of floor area or portions thereof), whichever is greater
<u>Restaurants/Eating Places</u>	<u>1 space per 4 patrons at capacity plus 1 space per employee</u>
<u>Commercial Accommodations</u>	<u>1 space per guest room plus 1 space per employee</u>
<u>Bed and Breakfast Inn</u>	<u>2 spaces plus 1 space per guest bedroom</u>
<u>Veterinary Clinics</u>	<u>4 spaces per doctor plus 1 space per other employee</u>
<u>Light Industrial</u>	<u>1 space for each 1.2 employees, based on the highest expected average employee occupancy</u>
<u>General Homes</u>	<u>1 space for each 75 square feet of floor in slumber rooms, parlors and individual services rooms</u>
<u>Other Uses</u>	<u>As determined by the Planning Board based upon the latest edition of the <i>Institute of Transportation Engineers Parking Generation Manual</i> or data of actual parking demands of similar uses</u>

<b>otes:</b>	<u>1. The minimum number of spaces shall be rounded up to the nearest whole number.</u>
<b>2.</b>	<u>The maximum number of employees scheduled during peak demand/shift overlap shall be used in calculating the number of required parking spaces when employee is referenced in this table.</u> <u>See definition of "floor area" in Section XII. Definitions.</u>

8. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

D. **Parking Space Requirements:** The number and layout of parking spaces shall be based on the need to protect the public safety and convenience while minimizing harm to the character of the community and to environmental, historic and scenic resources. Since land use activities can vary widely in their need for off-street parking, it is appropriate to establish parking requirements based on the specific operational characteristics of the proposed uses. The parking guidelines in the following table shall be applied according to the following criteria. In applying or modifying the parking guidelines for any proposed use, the reviewing authority shall consider the following:

1. Parking spaces shall be sufficient to accommodate the use during a typical week.
2. The size of the structure(s) and the site.
3. The environmental, scenic, or historic sensitivity of the site. In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the reviewing authority may require a reduction in the size of the structure so that the available parking will be sufficient.
4. The availability of on-street parking.
5. Availability of off-site, off-street parking that is open to the public, owned or controlled by the applicant, or available on a shared unit basis.
6. Consideration of pedestrian and bicycle safety.
7. Other standards used in generally accepted traffic engineering and planning manuals.

E. **Waivers:** The requirements of this subsection may be waived in situations where a primary structure existed on the parcel as of June 14, 2005, and there is no other alternative for siting parking, or where compliance would be impractical.

## SECTION 11.4 HOME OCCUPATIONS

A. **Purpose:** Recognizing the long-established presence of a wide variety of locally owned and operated home occupations throughout the town, there is a need to balance the needs of home occupations with those of neighboring homeowners. While not discouraging home occupations from starting up and growing, this ordinance seeks to regulate and control the impact of home occupations on abutters and to create clear expectations for proprietors of home occupations.

B. **Applicability:** Refer to Section 12 Definitions for a specific definition of a home occupation. The following standards apply to all home occupations in the town. A home occupation is an occupation or profession which is: customarily carried on in a dwelling unit or in a building or other structure

~~accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental, compatible, and secondary to the use of the dwelling unit of residential purposes; and so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. Any use that would be prohibited as a commercial business in the Groundwater Protection Overlay District is also prohibited as a home occupation. The review of home occupations shall be pursuant to Section VII. Zoning District Regulations. [Amended 5/30/09]~~

C. **Requirements:** Home occupations must conform to the following standards:

- ~~1. The home occupation is owned and operated by a member or members of the family residing within the dwelling unit. Not more than one person outside the family residing within the dwelling unit shall be employed at the location of the home occupation.~~
- ~~2. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.~~
- ~~1.3. The occupation is clearly secondary to the residential use of the dwelling unit.~~
- ~~2. Not more than one person outside the family shall be employed at the location of the home occupation.~~
- ~~3.4. There shall be no exterior storage of materials that would be visible from a public road or an abutter's dwelling, and no other exterior indication of the home occupation or variation from the residential character of the principal building shall be allowed. Any exterior storage of materials shall meet the minimum setback requirements set forth in Table 7.2 Space and Dimensional Requirements.~~
- ~~4. Signage shall be limited to one sign identifying the name, address and profession of the home occupation, providing that the sign does not exceed four (4) square feet in area, is non-illuminated, and is mounted either flat against the wall of the principal building or on a post, providing the sign does not extend into the public road limits.~~
5. All signs shall be in accordance with Section 8.7 Signs.
6. Lighting in and around the dwelling and any outbuildings must be consistent with the exterior lighting for a residential dwelling.
7. The home occupation may utilize:
  - a. Unfinished attic and basement spaces.
  - b. One accessory structure.
  - c. The floor area utilized for the home occupation shall not exceed fifty percent (50%) of the total floorarea of the dwelling unit.
8. No traffic shall be generated by such home occupation that would be in greater volumes than would normally be expected in the neighborhood or generate more than forty (40) vehicle trips per day. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak



operating hours.

9. Hours of operation shall be reasonable and normal for a residential area. If the normal business hours of operation are proposed to go beyond the hours of 5:00 a.m. to 8:00 p.m. then a conditional use permit shall be approved by the Planning Board and the standards set forth in subsection 13 below shall be the review criteria.
10. No nuisances, offensive noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall be detectable at objectionable or unreasonable levels beyond the property limits.

#### **~~SECTION 11.10 HOME BASED OCCUPATION [AMENDED 5/30/09]~~**

- A. ~~**Purpose:** Recognizing the long established presence of a wide variety of locally owned and operated home based business throughout the town, there is a need to balance the needs of home based businesses with those of neighboring homeowners. While not discouraging home based business from starting up and growing, this ordinance seeks to regulate and control the impact of home based occupations on abutters and to create clear expectations for proprietors of home based occupations.~~
- B. ~~**Standards and Requirements:** To be approved as a home based occupation in a non-commercially zoned area the following conditions will apply:~~
- ~~1. The occupation is owned and operated by a member or members of the family residing within the dwelling unit~~
  - ~~2. The occupation is clearly secondary to the residential use of the dwelling unit.~~
  - ~~3. Outdoor parking, visible to abutters, for employees not working at the residence typically cannot exceed three vehicles. No on street parking permitted.~~
  - ~~4. Signs, exterior displays and any other indications of a home based occupation in a residential zone require conditional use approval from the Planning Board.~~
  - ~~5. Exterior storage of materials or equipment must be screened from abutters and the road and must meet minimum structure setback requirements contained in Section VII, Table 7-2.~~
  - ~~6. Lighting in and around the dwelling and any outbuildings must be consistent with the exterior lighting for a residential dwelling~~
  - ~~7. Hours of operation shall be reasonable and normal for a residential area. If the normal hours of~~

~~operation go beyond the hours of 5:00 a.m. to 8:00 p.m. then a conditional use permit is required and the standards for review shall be the items listed in paragraph B.8. [Amended 6/18/11]~~

~~8. Noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare will not be detectable at objectionable or unreasonable levels beyond the property limits. Further, the operation of the occupation shall not create safety issues or traffic concerns.~~

## SECTION 10.12 HAZARDOUS, SPECIAL, AND RADIOACTIVE MATERIALS

A. The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. All materials must be stored in a manner and location that is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

B. **Reporting Requirement:** Commercial, industrial and other activities that utilize, store or dispose of “reportable” quantities of hazardous or toxic materials shall submit an annual certification that these materials are being handled so as to prevent environmental degradation. “Reportable” means that these companies must file a report with the Maine Department of Environmental Protection.

C. Home Heating Fuel Tanks and Fuel Storage. Propane tanks, or other tanks with liquefied gaseous fuels are allowed. Home Heating fuel tanks and fuel storage of 660 gallons or less is allowed with all residential uses.

## XI. STANDARDS FOR SPECIFIC ACTIVITIES

### SECTION 11.1 ACCESSORY APARTMENTS [AMENDED 5/17/08]

~~A. **Purpose:** The purpose of this provision is to allow an affordable housing option that is in keeping with the character of the community. This provision allows for the creation of a single, subordinate Accessory Dwelling Unit accessory and incidental to an existing or new single-family dwelling. An accessory apartment is intended to be a separate suite of rooms where one or two people occupy the unit.~~

~~B.A.~~

~~C.B. **Standards and Requirements:** An One (1) Accessory Dwelling Unit apartment may be constructed on the same lot as a single-family dwelling unit in any area in which housing is allowed, subject to the requirements of the following criteria within or attached to an existing or new single-family dwelling, or constructed as a separate structure within the vicinity of an existing or new single-family dwelling, for the purpose of adding a separate living area for rental purposes, as well as for “in laws”, as long as the conversion is carried out in compliance with the following criteria:~~

1. Private, state, or local standards such as homeowners’ association regulations, deed restrictions, setbacks, density, septic requirements, shoreland zoning and subdivision law may also apply to lots.

2. An Accessory Dwelling Unit may be constructed only:

- a. Within an existing dwelling unit on a lot;
- b. Attached to a single-family dwelling unit;
- c. As a new structure on a lot for the primary purpose of creating an accessory dwelling unit;  
or
- d. Within an existing accessory structure.

3. Dimensional Requirements:

- a. For an Accessory Dwelling Unit located within a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements and setback requirements of the Accessory Dwelling Unit must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit.
- b. For an Accessory Dwelling Unit permitted in an existing accessory structure, the required setback requirements in this Ordinance of the existing accessory structure apply.
- c. An Accessory Dwelling Unit is allowed on a lot that does not conform to this Ordinance if the accessory dwelling unit does not further increase the nonconformity, excluding lot area.

4. Accessory Dwelling Units are exempt from any density or lot area requirements related to the area in which the accessory dwelling unit is constructed.

4.5. ~~The a~~Accessory Dwelling Unit apartment is limited to one (1) bedroom, ~~and does not utilize more than forty (40) percent of the available living area of the principal single-family dwelling (excluding the basement of the single-family dwelling).~~

6. Accessory Dwelling Units Size:

- a. An accessory dwelling unit, whether constructed within, attached to, or detached from the single-family dwelling, shall not exceed forty (40) percent of the available living area of the principal single-family dwelling (excluding the basement of the single-family dwelling).
- b. An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.
- a. ~~The Code Enforcement Officer (CEO) approves the a~~Accessory Dwelling Unit apartment. The CEO shall require an owner of an Accessory Dwelling Unit to provide writing verification that the proposed Accessory Dwelling Unit is to be connected to adequate water and wastewater services prior to certification of the Accessory Dwelling Unit for occupancy. Written verification must include the following: certification that the existing or proposed wastewater disposal system has the capacity for the additional waste to be generated. The conversion must also comply with all provisions of the current versions of the Universal Plumbing Code and the Maine Uniform Building and Energy Code as adopted by Town of North Yarmouth.

7.

- a. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Chapter 241, Subsurface Wastewater Disposal Rules;
- b. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- c. If an accessory dwelling unit is connected to a well, proof of access to portable water, including the standards outlined in 01-672 C.M.R. Chapter 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

~~2. No single-family dwelling may be converted in such a manner to provide an accessory apartment, unless~~

- ~~a. the dwelling sits on a lot that is in compliance with the minimum lot size for the zoning district in which it is located or~~
- ~~b. is located on a subdivision lot that has received prior Planning Board approval.~~

~~3.8.~~ The owner of the property must occupy either the Accessory Dwelling Unit apartment or the principal dwelling unit.

~~4. Only one accessory apartment shall be permitted per single-family owner-occupied dwelling unit.~~

~~9.~~ Accessory Dwelling Units apartments shall be exempted from meeting the requirements of Section 3.3.E. Residential Growth Limitation.

~~5.10.~~ Accessory Dwelling Units are not subject to any additional vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the Accessory Dwelling Unit is located.

**SECTION 11.2 AFFORDABLE HOUSING [AMENDED 6/19/21]**

**11.2.1 VILLAGE CENTER (VC) DISTRICT AFFORDABLE HOUSING DENSITY BONUS**

**A. Purpose:**

The purpose of these provisions is to provide incentives for the development of affordable housing consistent with 30-A M.R.S. §4364 as the Village Center (VC) District is the Town's designated growth area pursuant to 30-A M.R.S. §4349-A(1)(A).

B. Minimum Lot Size Requirements:

All lots must comply with 12 M.R.S. §4807-A. Minimum lot size required.

C. Water and Wastewater Requirements:

The property owner must provide written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy. Written verification must include the following:

1. If a public or special sewer district is constructed within the Village Center (VC) District, or if a comparable sewer system is proposed, proof of adequate service to the support any additional flow created by the unit and proof of payment for connection to the system.
2. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Chapter 241, *Subsurface Wastewater Disposal Rules*.
3. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.
4. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Chapter. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

D. Long-Term Affordability:

Prior to granting a certificate of occupancy or other final approval of an affordable housing dwelling unit, a municipality must require that the owner of the affordable housing dwelling unit (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the Cumberland County Registry of Deeds to ensure that for at least thirty (30) years after completion of construction.

1. For rental occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the area median income, as defined by the U.S. Department of Housing and Urban Development (HUD), at the time of initial occupancy; and
2. For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the area median income, as defined by the U.S. Department of Housing and Urban Development (HUD), at the time of initial occupancy.

E. Density Bonus:

1. To receive the density bonus and be considered affordable housing, as defined in Section 12, a majority of the total units on the lot must be designated as affordable.

2. The affordable housing shall have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location or by building type; and
3. No more than two (2) off-street motor vehicle parking spaces for every three (3) dwelling units shall be required.
4. If fractional results occur when calculating the density bonus or parking requirement in this subsection, the number of units or parking spaces is rounded down to the nearest whole number.

**F. Residential Growth Limitation Waiver:** The Planning Board shall waive the requirements of Section 3-3.E. Residential Growth Limitation, for the affordable housing units, if the developer can assure to the Planning Board's satisfaction that a majority of the total units will be designated as affordable, as defined in Section 12, and remain affordable for the next thirty (30) years.

### **11.2.2 – AFFORDABLE HOUSING BONUS FOR DISTRICTS OUTSIDE THE VILLAGE CENTER**

**A. Purpose:**

1. The purpose of these provisions is to provide incentives for the development of affordable housing outside the Village Center (VC) District, with the following priorities:
  - a. To provide an adequate supply of affordable housing to meet the needs of senior citizens, municipal and school employees, and others with modest incomes.
  - b. To encourage lifetime residency - to facilitate townspeople remaining in the town after their children have grown up and during retirement years by providing affordable senior housing that is compatible with “senior living lifestyles”.
  - c. To encourage the development of affordable housing consistent with the existing character of the town.
2. These provisions are intended to provide the Planning Board with flexibility to waive requirements that impede development of qualified affordable housing, provided that the Planning Board, in its discretion, determines that the proposed affordable housing meets the purposes of this Section to the maximum extent feasible.

**B. Applicability:** These provisions shall apply to any affordable housing as defined in Section XII. Definitions and outside of the Village Center (VC) District. Affordable housing pursuant to these provisions must be approved by the Planning Board through Site Plan Review or Subdivision Review.

**C. Standards and Requirements:**

1. Affordable housing units shall be geographically dispersed throughout the development where feasible, and the dwelling units shall be compatible with the design of the remainder of the

development in terms of appearance.

2. An affordable housing unit shall not have more than fifteen hundred (1,500) square feet of living space. The Planning Board shall require deed restrictions that prohibit future expansion of the square footage of living space.
3. The affordable housing lots/units shall be constructed concurrently with the remainder of the project.
4. ~~An affordable housing development~~ may be developed as a clustered housing development pursuant to Section 11.3. Clustered Housing Developments. Affordable housing may be condominiums.
5. **Net Residential Density Bonus:** The Planning Board may grant a twenty percent (20%) net residential density bonus for the development of affordable housing units, if the developer can assure to the Planning Board's satisfaction that at least twenty percent (20%) of the total number of residential dwelling units in the proposed development will remain affordable to low and/or moderate income families for the next twenty-five (25) years, and that preference will be given to individuals and families as described in A.1 above. The density bonus shall be calculated such that when the percentage of lots or units is more than .5 the bonus number of lots/units shall be rounded up, and when percentage of lots or units is .5 or less the bonus number of lots/units shall be rounded down. For example, if 12 lots are proposed, two (2) of the lots must be affordable housing units (12 times 20% = 2.4, rounded down to 2 lots) If thirteen (13) lots are proposed, three (3) of the lots must be affordable housing units (13 times 20% = 2.6, rounded up to 3 lots). The Planning Board shall not grant a net residential density bonus within the Royal River Corridor Overlay District, Residential Shoreland District or the Resource Protection District. **The Planning Board shall not grant a net residential density bonus for any development located within the Groundwater Protection Overlay District, unless sewer serves the development.**
6. **Residential Growth Limitation Waiver:** The Planning Board shall waive the requirements of Section 3-3.E. Residential Growth Limitation, for the affordable housing units, if the developer can assure to the Planning Board's satisfaction that at least twenty percent (20%) of the total number of residential dwelling units in the proposed development will remain affordable to low and/or moderate income families for the next twenty-five (25) years, and that preference will be given to individuals and families as described in A.1 and A.2 above.

7. **Long-Term Affordability Required for All Affordable Housing:** Long-term affordability must be assured for a period no less than twenty-five (25) years through deed restrictions or some other recorded instrument acceptable to the Town Attorney. The developer of affordable housing shall include provisions for preserving affordability, which shall be reviewed by the town attorney prior to Select Board and Planning Board review of the proposed long-term affordability agreement. A third party that has the expertise and resources to undertake and continue the task of assuring the long-term affordability of the housing may administer the affordability program. The following standards shall be applied to affordable owner occupied and rental housing:
- a. **Owner Occupied Residences:** When the affordable housing includes units to be sold as residences, the developer shall use legal mechanisms such as, but not limited to, restrictive covenants, ground leases, or "soft" mortgages to ensure that the residences are owner-occupied and that the initial and subsequent sales prices are affordable to target groups for a minimum of twenty-five (25) years. Preserving long-term affordability may mean restrictions on resale to qualified buyers, if available, granting a right of first refusal to the town, or the town's designee. Additional restrictions limiting the owner's ability to improve the property and/or to recoup somepart of the costs of the improvements at resale are also to be considered.
  - b. **Rental Units:** When an affordable housing includes rental units, provisions shall be made to ensure that the rental price of units remains affordable to the target groups for a minimum of twenty five (25) years.

## XII. DEFINITIONS [AMENDED 6/19/21;4/30/22; 06/17/23]

**Accessory Dwelling Unit Apartment:** ~~A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. A single, subordinate dwelling unit accessory and incidental to an existing or new single-family dwelling, intended to be a separate suite of rooms where one or two people occupy the unit.~~

**Affordable Housing, Village Center District:**

- a. For rental housing, a dwelling unit in which a household whose income does not exceed 80% of the median income for the area as defined by the United State Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-4124, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly



income on housing costs.

- b. For owned housing, a dwelling unit in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
- c. For purposes of this definition, “majority” means more than half of proposed and existing units on the same lot.
- d. For purposes of this definition, “housing costs” include, but are not limited to:
  - 1. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
  - 2. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowners’ association fees.

**Affordable Housing, all other districts:**

Residential dwelling units that may be rented or purchased for occupancy by buyers with low incomes and moderate incomes as established for the Portland Statistical Area by the Maine State Planning Office or the Greater Portland Council of Governments. An owner-occupied housing unit is affordable to a household if the unit’s sale price is reasonably anticipated to result in monthly housing costs (including mortgage principal and interest payments, mortgage insurance costs, homeowners’ insurance costs, and real estate taxes) that do not exceed twenty-eight percent (28%) of the household’s gross monthly income. Determination of mortgage amounts and payments are to be based on down payment rates and interest rates generally available to households in this target group. A renter-occupied housing unit is affordable to a household if the unit’s monthly housing costs, including rent, do not exceed twenty-eight percent (28%) of the household’s gross monthly income.

**Area Median Income:** The midpoint of the region’s income distribution as calculated on an annual basis by the U.S. Department of Housing and Urban Development.

**Attached:** Connected by a shared wall to the principal structure or having physically connected finishing spaces.

**Certificate of Occupancy:** The municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the Maine Uniform Building and Energy Code adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.

**Comparable Sewer System:** Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Chapter 241, *Subsurface Wastewater Disposal Rules*.

**Comprehensive Plan:** A document or interrelated documents consistent with 30-A M.R.S. §4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

**Density:** The number of dwelling units per acre of land, subject to dimensional requirements.

**Density, Base:** The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this Ordinance.

**Designated Growth Area:** An area that is designated in the Town's Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, "designated growth area" means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

**Dimensional Requirements:** Requirements which govern the size and placement of structures including, but not limited to, the following requirements: building height, lot area, minimum frontage and lot depth. ~~Numerical standards relating to spatial relationships including but not limited to setback, lot area, street frontage, shore frontage, building scale and building height.~~

**Dwelling, Multifamily (or Multifamily Dwelling):** A structure containing three (3) or more dwelling units.

**Dwelling, Single-Family Detached:** ~~A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one dwelling unit, or one dwelling unit with an accessory apartment.~~ A structure containing one (1) Dwelling Unit.

**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.~~ [Amended 5/17/08] Any part of a structure, which through sale or lease, is intended for human habitation, including single-family housing and the separate living quarters intended for occupancy by only one family or individual at a time contained within multifamily housing, condominiums, time-share units, and apartments.

**Housing:** Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories.

boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless otherwise allowed in this Ordinance.

**Land Use Ordinance:** An ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

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

**Potable:** Water safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

**Principal Structure:** Any building or structure containing the primary or main use of the lot on which it is located. A building other than one that is used for purposes wholly incidental or accessory to the use of another building or use on the same premises. A structure in which the main or principal use of the property is conducted.

**Public Centrally Managed Water System:** A water supply system that serves twenty-five (25) or more people for sixty (60) or more days per year. A water system which provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days per year as regulated by 10-144 CMR Chapter 231, Rules Relating to Drinking Water. This water system may be privately owned. The Yarmouth Water District is a "Community Water System", which serves people in their place of residence. There are two (2) other types of public water supplies that are regulated by state and federal law: "Non-Transient Non-Community Water Systems" such as schools or office buildings, and "Transient Non-Community Water Systems", which serve a constantly changing, transient population such as motels, restaurants and campgrounds.

**Restrictive Covenant:** A provision in a deed, or other covenant conveying real property; restricting the use of the land.

**Setback:** The horizontal distance from a lot line, shoreline, or road to the nearest part of a building or structure or other regulated object or area as defined in this Ordinance.

**Structure:** Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, as defined in 38 MRSA Section 436-A(12), together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. [Amended 5/17/08]

