

# DEVELOPMENT STANDARDS ORDINANCE TOWN OF LIVERMORE FALLS

ADOPTED: June 11, 2024

TRUE COPY ATTEST  
BY: [Signature]  
CLERK  
TOWN OF LIVERMORE FALLS

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# SECTION 1. GENERAL PROVISIONS

## A. TITLE

This Ordinance shall be known and cited as the Development Standards Ordinance for the Town of Livermore Falls, Maine.

## B. PURPOSE

The purpose of this Ordinance is to ensure that land use changes or developments, which may have major or significant impacts on the Town, or parts thereof, will protect the health, safety, and welfare of the townspeople, consistent with the goals expressed in the Livermore Falls Comprehensive Plan.

The Development Standards Ordinance shall contain the following existing ordinances, which were previously adopted by the Town of Livermore Falls, through relocation to the sections designated below:

1. ADDRESSING ORDINANCE: Adopted June 14, 1995 – *Relocated to Section 2 Addressing*
2. BUILDING LOT STANDARDS ORDINANCE: Adopted March 20, 1975, and last amended on June 11, 2019 – *Combined into Section 3 Lot Sizes and Dimensional Standards*
3. MINIMUM LOT SIZE ORDINANCE: Adopted March 20, 1975, and last amended on February 27, 1981 – *Combined into Section 3 Lot Sizes and Dimensional Standards*
4. SITE PLAN REVIEW ORDINANCE: Adopted June 3, 1991, and last amended June 13, 2001, including amendments to Sections III.A, III.B And IV.A of the Site Plan Ordinance, passed and approved on June 13, 2001 – *Relocated to Section 4 Site Plan Review*
5. SUBDIVISION ORDINANCE: Adopted March 9, 1981, last amended May 19, 1999 – *Relocated to Section 6 Subdivision*

## C. AUTHORITY

This Ordinance is enacted consistent with the Town of Livermore Falls' authority under Article VIII, Part 2, Section 1 of the *Maine Constitution* and 30-A M.R.S. § 3001.

## D. EFFECTIVE DATE

The provisions of this Ordinance shall become effective on 10/11/2024. Enactment of this Ordinance shall constitute a repeal of the Addressing Ordinance for Livermore Falls, the

Building Notification Ordinance for Livermore Falls, the Building Lot Standards Ordinance for Livermore Falls, the Minimum Lot Size Ordinance for Livermore Falls, the Site Plan Review Ordinance for Livermore Falls, and the Subdivision Ordinance for Livermore Falls.

#### **E. APPLICABILITY**

The provisions of this Ordinance shall apply to all land, all land uses, and all structures within the boundaries of the Town of Livermore Falls. No building hereafter erected, moved, added to, or structurally altered, no existing building or structure and no land shall be used except in conformance with this Ordinance.

#### **F. NONCONFORMANCE**

A lot of record which is shown on a deed or plan recorded in accordance with law prior to March 20, 1975, may be built upon, regardless of its size, provided that such construction complies with all other applicable sections of this Ordinance. All other single lots of record, which, at the effective date of this Ordinance, may be built upon provided that such lot shall be in separate ownership and that Federal and State Statutes permit requirements herein, and to extent practicable, the other provisions of this Ordinance shall be met.

#### **G. RELATIONSHIP WITH OTHER ORDINANCES**

Whenever a provision of this Ordinance conflicts with, or is inconsistent with, another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.

#### **H. VALIDITY AND SEVERABILITY**

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of the competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance.

#### **I. ENFORCEMENT & VIOLATIONS**

1. Failure to comply with any provision of this Ordinance shall constitute a violation of this Ordinance.
2. The Code Enforcement Officer of the Town of Livermore Falls shall act in all cases of violations of this Ordinance by notifying in writing the owner, or lessor of the lot, the Select Board, and the Planning Board of the nature of the violations and the correction, if possible, required.
3. The Select Board is charged with the prosecution for all violations of the provisions of

this Ordinance. In cases where notices of violation are not promptly complied with, the Select Board may initiate enforcement proceedings against the owner of the property, and the violator of the Ordinance if different, in Maine District or Superior Court, pursuant to 30-A M.R.S. § 4452, as amended.

## **J. APPEALS**

1. *Composition of Board of Appeals.* The Board of Appeals shall be appointed by the Select Board and shall consist of five (5) members, all of whom shall be legal residents of the Town of Livermore Falls. Terms of members shall be for three (3) years. Select Board Members and their direct family members may not serve on the Board of Appeals.
2. *Powers and Duties of Board of Appeals.*
  - a. *Administrative Appeals.* The Board of Appeals shall hear and decide, on a *de novo* basis, appeals from any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board made under this Ordinance. Such appeals must be filed with the Board of Appeals within thirty (30) days of the date of the decision.
  - b. *Variance Appeals.* The Board of Appeals shall hear and decide requests for the relaxation of dimensional standards contained this Ordinance. A variance may be granted by the Board only where the strict application of the Ordinance, or a provision thereof, would cause undue hardship to the petitioner. The term “undue hardship” means:
    - i. That the land in question cannot yield a reasonable return unless a variance is granted;
    - ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
    - iii. That the granting of a variance will not alter the essential character of the locality; and
    - iv. That the hardship is not the result of action taken by the applicant or a prior owner.
3. *Appeal Hearing Procedure.*
  - a. Upon receipt of a completed application, as determined by the Town Clerk, the Board of Appeals shall hold a public hearing within thirty (30) days.
  - b. The Board of Appeals shall notify the appellant and all owners of abutting properties, by mail, at least ten (10) business days before the public hearing. The failure of abutting property owners to receive such notice shall not affect the validity or enforceability of these proceedings.
  - c. The Board may receive oral or documentary evidence, but shall as a matter of policy exclude irrelevant, immaterial, or unduly repetitious evidence. All parties shall have the right to present their case and to submit rebuttal evidence

and conduct cross-examination as may be required.

- d. A majority of the members of the Board of Appeals present and voting is necessary to grant an appeal.
- e. If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one (1) year from the date of the denial by the Board, unless in the opinion of the majority of the Board, substantial new evidence shall be put forward or unless the Board finds, in its sole and exclusive discretion, that an error or mistake of law or misunderstanding of fact had been made.
- f. The Board may reconsider any decision reached within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.
- g. Any party may take an appeal of a decision of the Board to Appeals to Maine Superior Court within forty-five (45) days of the date of the decision; provided, however, that appeals of reconsidered decisions must be made within fifteen (15) days of the decision on reconsideration. All appeals must be made consistent with Rule 80B of the Maine Rules of Civil Procedure.

## **K. AMENDMENTS**

1. Amendments to this Ordinance shall be initiated by a majority vote of the Planning Board, by request of the Select Board, or by petition of a number of voters equal to at least 10% of the number of votes cast in the Town at the last gubernatorial election.
2. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the Town at least ten (10) days prior to the hearing.
3. Adoption of Amendment: An amendment of this Ordinance must be adopted by a majority vote of the Town Meeting.
4. Amendments to Application Fee: The application fee can be amended at any time at the discretion of the Select Board without the requirement for a Public Hearing.

## **SECTION 2: ADDRESSING**

AS PER THE ADDRESSING ORDINANCE FOR THE TOWN OF LIVERMORE FALLS, ADOPTED JUNE 14, 1995.

### **A. PURPOSE**

The purpose of this section is to enhance the easy and rapid location of properties for the delivery of public safety and emergency services, postal delivery, and business delivery.

### **B. ADMINISTRATION**

This section shall be administered by the Select Board or their appointed representative(s) who shall assign road names and numbers to all properties, both on existing and proposed roads. The Select Board or their appointed representative(s) shall be responsible for maintaining the following official records of this section:

1. A Town of Livermore Falls map for official use showing road names and numbers.
2. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
3. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

It shall be the duty of the Town of Livermore Falls to notify by mail each owner and the Post Office of the new addresses within thirty (30) days. It shall be the duty of each property owner to comply with this Ordinance within thirty (30) days of notification. On new structures, numbering will be installed prior to final inspection, if required by local ordinance, or when the structure is first used or occupied, whichever comes first.

### **C. NAMING SYSTEM**

All roads in the Town of Livermore Falls that serve two (2) or more addresses shall be named regardless of whether the ownership is public or private. A road name assigned by the Town of Livermore Falls shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

1. Similar names - No two (2) roads shall be given the same or similar sounding (e.g., Beech and Peach, Pine Road, and Pine Lane) names.
2. Each road shall have the same name throughout its entire length.



## **D. NUMBERING SYSTEM**

Numbers shall be assigned every fifty (50) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number's origin. The following criteria shall govern the numbering system:

1. All number origins shall begin from the designated center of the Town of Livermore Falls or at the end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
2. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or driveway of said structure.
3. Every structure with more than one (1) principal use or occupancy shall have a separate number for each use or occupancy (i.e., duplexes will have two (2) separate numbers; apartments will have one (1) road number with an apartment number, such as 235 Maple Street, Apt.2.)

## **E. COMPLIANCE**

All owners of structures shall, on or before the effective date of this Ordinance, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

1. Number on the structure or residence. Where the residence or structure is within fifty (50) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
2. Number at the street line. Where the residence or structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, mailbox or on some structure at the property line adjacent to the walk or access drive to the residence or structure.
3. Size and color of number. The numbers shall be displayed in a color and size visible from the road.
4. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this Ordinance.

5. Interior location. All residents and other occupants are requested to post the assigned number and road name on the inside of the home.

## **F. NEW DEVELOPMENTS AND SUBDIVISIONS**

All new developments and subdivisions shall be named and numbered in accordance with the provisions of this section, and as follows:

1. New developments. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Select Board or their representative(s). This shall be done at the time of the issuance of the building permit.
2. New subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark lines or dots in the center of the streets every fifty (50) feet, so as to aid in assignment of numbers to structures subsequently constructed.

## **SECTION 3: LOT SIZES AND DIMENSIONAL STANDARDS**

### **A. GENERAL**

1. Contiguous lots are lots which adjoin at any line or point or are separated at any point by a body of water less than fifteen (15) feet wide. If the same owner owns two (2) or more contiguous lots, any of which is smaller than the minimum lot size required herein, they shall be combined for the purpose of approaching or reaching the minimum square footage and road frontage required for new lots.
2. All dwellings built, rebuilt, or replaced shall be built within the same footprint as the previous dwelling unless the new dwelling complies with the required setbacks as stated in Items three (3) and four (4) in B Lot Requirements below.
3. Manufactured housing shall be permitted on any lot where a single-family dwelling is permitted, subject to all other applicable provisions of this Ordinance.
4. Tiny homes shall be permitted to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure.

### **B. LOT DIMENSIONAL REQUIREMENTS**

With the exception of nonconforming lots of record, as defined in Section 1 of this Ordinance, a lot or parcel of land must conform to the following requirements in order to be buildable; nonconforming lots of record without municipal sewer service must also receive a permit for the installation of a subsurface wastewater disposal system that complies with the Maine Subsurface Wastewater Disposal Rules, as amended:

1. For those areas served by municipal sewer, the following standards shall be met for each principal building or use, and each dwelling unit proposed:
  - a. Minimum lot area: 10,000 square feet
  - b. Minimum shore frontage (if applicable): 100 feet

In addition, each lot must contain at least 100 feet of road frontage in order to be buildable.

2. For those areas not served by municipal sewer, the following standards shall be met for each principal building or use, and each dwelling unit proposed:
  - a. Minimum lot area: 40,000 square feet

- b. Minimum shore frontage (if applicable): 150 feet

In addition, each lot must contain at least 150 feet of road frontage in order to be buildable.

- 3. A 25-foot setback from the right-of-way limits of a public road or travel way, or private road except that a dwelling destroyed by fire or natural disaster may be replaced within one (1) year at the same location.
- 4. Any structure must be setback at least ten (10) feet from all other lot boundaries.
- 5. All principal structures shall be at least 400 square feet in size. Unless the principal dwelling unit is a tiny home.
- 6. All tiny homes shall be at least 190 square feet in size, but no more than 400 square feet in size.
- 7. All accessory dwelling units shall be a minimum of 190 square feet and shall not exceed 40% of the footprint of the principal structure in size and conform with the requirements of Section 5 *Residential Development* of this Ordinance.
- 8. No building permit shall be issued for any structure on any new lot that is a backlot, which was created after the effective date of this Ordinance, that does not have frontage on a public or private road, unless the new backlot is served by right-of-way at least fifty (50) feet in width.

### **C. APPLICABILITY; PERMITS REQUIRED**

- 1. Any person, firm, or corporation, before erecting or establishing a structure equal to or greater than 190 square feet in total area, shall obtain a permit from the Code Enforcement Officer. Any request for a permit shall include an accurate measurement of the lot acceptable to the Code Enforcement Officer, and evidence of compliance with the State Plumbing Code, if necessary. The application shall also include a plan or sketch showing lot boundaries, and all existing or proposed buildings, and the location of any septic system. The Code Enforcement Officer shall not withhold a permit when all requirements of the Town's ordinances have been met.
- 2. Permits shall be of three types:
  - i. Year-round dwellings, defined as a dwelling used for more than 120 days during a calendar year.
  - ii. Seasonal dwelling, limited to 120 days or less use during the calendar year. No seasonal dwelling may be used year-round without first obtaining a seasonal conversion permit from the Plumbing Inspector and Planning Board if the

dwelling is located in Shoreland Zoning.

- iii. **Miscellaneous Construction:** any expansion of a structure which creates 190 square feet or more of additional floor space; or the construction, placement, or erection of any other structure of at least 190 square feet in total area.

## **SECTION 4: SITE PLAN REVIEW**

AS PER THE SITE PLAN REVIEW ORDINANCE FOR THE TOWN OF LIVERMORE FALLS  
ADOPTED JUNE 3, 1991, AND LAST AMENDED JUNE 13, 2001.

### **A. PURPOSE**

The purposes of this section are to promote orderly growth in the Town and minimize adverse impacts of commercial and industrial development or redevelopment on municipal services and on the environment of the Town.

### **B. APPLICABILITY**

1. The following uses and structures are exempt from this section, as determined by the Planning Board:
  - i. The normal and customary practices involved in the growing and harvesting of field crops and timber.
  - ii. Home Occupations, as defined in Section 7 *Definitions* of this Ordinance.
2. This section shall apply to all development proposals for:
  - i. New buildings, structures, and land uses for commercial, retail, industrial, institutional, residential, recreational, utility, State, Municipal, or public.
  - ii. New uses or changed uses of land or of existing structures if such new or changed uses would, in the opinion of the Code Enforcement Officer, generate significantly greater traffic volumes, employ new materials or processes, or generate any new impacts (glare, noise, odor) not normally associated with the previous use.
  - iii. Expansion of existing uses or structures by either 1,000 square feet or 25% in area (whichever is less) within any 10-year period, with regard to floor space, parking area, seating capacity, outdoor storage area or outdoor use area.

### **C. APPLICATION PROCEDURE**

## 1. Pre-Application Meeting

- i. Prior to submitting an application for site plan approval, the property owner, the property developer, or an authorized agent shall meet with the Planning Board at a regular or special meeting to discuss the proposed development.
- ii. The developer may present to the Planning Board at this time a sketch plan of the proposed development. The sketch plan should consist of a rough outline of the development, and may be a free-hand, penciled sketch of the parcel, showing the proposed layout of the buildings, roads, and other features. The sketch shall show enough information to aid the Planning Board in fully understanding the nature of the development proposal.
- iii. The Planning Board may request that the developer arrange for an inspection of the site by the Planning Board, or by an individual appointed by the Chair of the Planning Board to act as the Board's representative.
- iv. No binding commitments shall be made between the developer and the Planning Board. The purpose of the pre-application meeting shall be to understand what is proposed.

## 2. Application

Each application shall be considered individually, and those items required will be specified by the Planning Board. Any requirement of this Section may be modified or waived by the Planning Board. Dimensional standards in Section 3 *Lot Sizes and Dimensional Standards* of this Ordinance may only be modified by a variance granted by the Board of Appeals. The Site Plan Review application shall be submitted to the Planning Board together with a fee as per the Permit Fee Schedule.

This application fee shall be made by check payable to the Town. This fee shall not be refundable. The Planning Board shall not consider an application for site review until the fees have been received by the Town. The application shall include as a minimum:

- i. A Site Plan consisting of a plan(s) and map(s) prepared at a scale no less than one (1) inch to 100 feet and supporting documents that will provide the following information:
  - a. Name and address of the applicant or an authorized agent, the name of the owners of the property if other than the applicant and the name of the proposed development.
  - b. An Approval Page for the Planning Board signatures and conditions of approval.
  - c. A site plan showing existing uses of the land and proposed uses of the land.

The site plan shall be in sufficient detail to allow the Planning Board to determine how the land is currently used and how it will be used in the future. The details shall be sufficient to permit the Planning Board to determine the impacts of the development on the Town's infrastructure and surrounding properties.

ii. Traffic Data

A site plan may be required to have an accompanying traffic engineering study if the project could have a significant impact on the volume or pattern of traffic in the Town. If such a study is required, it shall be accomplished by a Professional Engineer, registered in the State of Maine, and a written report prepared addressing the impact of the proposed development on traffic patterns.

3. Impact Analysis; Impact Fee

The Planning Board may require the applicant to conduct an analysis of the impact of the proposed development upon public or municipal facilities and services including, but not limited to, sewer, water, roads, solid waste and drainage, along with all costs estimated for correcting any negative impact on public or municipal facilities or decline in the level of public or municipal services resulting from the development. Once completed the analysis shall be submitted to the appropriate public agency or municipal board or department for review and comment. Where it is demonstrated that the development will result in a negative impact or decline in public or municipal facilities and services, the Planning Board may, pursuant to 30-A M.R.S. § 4354, require the applicant to make improvements to community facilities and services or to provide for acceptable equivalent improvements as a condition of plan approval. The amount of the fee must be reasonably related to the development's share of the cost of infrastructure improvements that may be necessitated by the development. Such infrastructure improvements include but are not necessarily limited to those listed in 30-A M.R.S. § 4354(1)(A). Fees generated under this section shall be segregated from the Town's general fund, and the Town of Livermore Falls may only spend funds collected under this section for the purposes for which they were collected. All fees collected shall be expended within five (5) years of collection and any unused balance shall be returned to the developer or other payer.

4. Outside Professional Services

An additional fee may be charged if the Planning Board needs assistance from an attorney, engineer, or independent consulting service. In order to cover these costs, the Planning Board shall require an escrow fee in an amount of \$2,000 to be deposited with the Town prior to the application receiving substantive review. If the balance of the escrow account falls below \$500 prior to a final decision on the application, the Planning Board may request the applicant to deposit an additional amount not to



exceed \$1,000 per deposit. All funds not used for consulting services will be returned to the applicant.

#### **D. PERFORMANCE STANDARDS**

The following standards are to be used by the Planning Board in judging applications for site plan review and shall serve as a minimum requirement for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one (1) or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

##### **1. Preserve and Enhance the Landscape**

The landscape including existing earth forms and vegetation shall be preserved in its natural state insofar as practicable. After construction is completed, landscaping shall be accomplished and plantings made that will define, soften, or screen the appearance of off-street parking areas from the public right of way and abutting properties and/or structures, enhance the physical design of the building or site, and minimize the encroachment of the proposed use on neighboring land uses. The proposed development shall not adversely affect the adjoining neighborhood nor change its character.

##### **2. Vehicular Access**

Provision shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

##### **3. Drainage**

Provision shall be made for drainage so that runoff of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. The Planning Board may require the use of stormwater retention structures if adequate protection of the abutting resources is not provided.

##### **4. Town Services**

The development shall not have an adverse impact on the town services including water supply, sewage disposal system, storm drainage system, road system, fire department, police department, emergency medical unit, solid waste disposal, schools, open spaces, recreational programs and facilities, and any other town services and facilities.

## 5. Water Supply

The applicant shall demonstrate to the satisfaction of the Planning Board that the development has sufficient water available to meet its foreseeable needs, and that the development will not cause an unacceptable burden on an existing water supply if one is to be utilized.

## 6. Soil Erosion

The development shall not cause soil erosion or reduction in the capacity of the land to hold water to the extent that a dangerous or unhealthy condition may result.

## 7. Sewage Waste Disposal

The applicant shall demonstrate to the satisfaction of the Planning Board that they have made adequate provisions for sewage waste disposal. If sewage waste will be disposed of on site by means of a subsurface waste disposal system, the system's siting, design, and construction shall conform to the "State of Maine Subsurface Wastewater Disposal Rules". No subsurface waste disposal system with an estimated daily effluent of 2,000 gallons or more shall be closer than 300 feet to an existing well, municipal, or private.

## 8. Comprehensive Plan

No application for development shall be approved by the Planning Board which is not in conformity with the Comprehensive Plan for the Town of Livermore Falls.

# **E. PLANNING BOARD ACTION ON APPLICATION**

1. Within thirty (30) days of receipt of an application, the Planning Board shall notify the applicant in writing either that the application has been found to be complete, or if the application is incomplete, that certain specific additional material is needed to make the application complete. When the Planning Board is satisfied that it has a complete application, it shall notify the applicant in writing and begin its review of the proposed development.
2. The Planning Board may hold a public hearing within thirty (30) days after the

Planning Board has notified the applicant that the application is complete. The Planning Board shall publish the time, date, and place of the hearing at least seven (7) days prior to the hearing in a newspaper of area-wide circulation. The applicant shall send notice of the hearing by certified mail, return receipts requested, to abutting landowners, including owners of property on the opposite side of the road, a minimum of ten (10) days prior to the date of the public hearing.

3. Within thirty (30) days of the public hearing or if no public hearing is held within sixty (60) days after the Planning Board has notified the applicant that the application is complete, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
4. Within fourteen (14) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

#### **F. GENERAL PROVISIONS**

1. The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that, because of the special circumstances of the site, such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and, if modified, would not adversely affect the abutting landowners and the general health, safety and welfare of the Town.
2. The Planning Board may require the applicant to file with the Board, at the time of the submission of the application or any time prior to improvements, a performance guarantee in the form of a performance bond running to the Town and issued by a surety company acceptable to the Town, including but not limited to a cashier's check payable to the treasurer of the Town, an irrevocable letter of credit issued to the Town by a banking or other lending institution, or a guarantee secured by deposits issued by a banking or lending institute authorized to issue the same, or another acceptable performance guarantee which is agreed to by both the applicant and the Town. The conditions and amount of such performance guarantee shall be determined by the Select Board. The amount shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the street grading and paving for roads intended for public acceptance, storm drainage, sewer and water lines, public street openings; and other utilities or other improvements shown on the plot or site plan.
3. All construction performed within the scope of this section shall be in

conformance with the approved site plan.

4. A permit granted under this section shall expire if the work or change is not commenced within twelve (12) months from the date of the vote on granting the permit, or if the work or change is not substantially completed within two (2) years from the date of the vote on granting the permit.

#### **G. EXPIRATION OF APPROVAL**

Failure to substantially complete a project within two (2) years of the date of approval of a site plan shall render the plan null and void, and the Board shall have a notice to that effect placed in the Androscoggin County Registry of Deeds. Substantial completion shall require that at least 75% of the total cost of the project has been expended.

## SECTION 5: RESIDENTIAL DEVELOPMENT

### A. RESIDENTIAL DENSITY

The following provisions apply to allow multiple dwelling units on lots where housing is allowed as of July 1, 2024, and thereafter.

1. Undeveloped Parcels as of July 1, 2024
  - i. If the lot is located within a Designated Growth Area approved by the Town in its Comprehensive Plan OR is served by public water and sewer, or a centrally managed water system and a comparable sewer system, the owner of the lot is permitted to have up to four (4) dwelling units, notwithstanding the requirements of the Wastewater Ordinance for Livermore Falls, or Section 3 *Lot Sizes and Dimensional Standards* and Section 5 *Site Plan Review* of this Ordinance. The third and fourth dwelling units may be located within a structure or multiple structures. If the third and/or fourth dwelling units are created within a 5-year period, the project may be subject to subdivision review and approval.
  - ii. If the lot is located outside a Designated Growth Area approved by the Town in its Comprehensive Plan, the owner of the lot is permitted to have up to two (2) dwelling units per lot, provided that the requirements in 12, M.R.S., § 4807-A, as may be amended, are met. The two (2) dwelling units may be within a single structure or two (2) separate structures.
2. Developed Parcels as of July 1, 2024
  - i. If the lot contains one (1) existing dwelling unit, up to two (2) additional dwelling units may be constructed, notwithstanding the requirements of the Wastewater Ordinance for Livermore Falls, or Section 3 *Lot Sizes and Dimensional Standards* and Section 4 *Site Plan Review* of this Ordinance. The additional units may be located within, attached to, or detached from the existing structure. The owner may also choose to have one (1) unit detached and one (1) unit attached to the existing structure. If the third dwelling unit is created within a 5-year period, the project may be subject to additional subdivision review and approval, as required in Section 6 *Subdivision* of this Ordinance.
  - ii. If the lot contains two (2) or more existing dwelling units, no more additional units are allowed.

### 3. Water and Wastewater

- i. Prior to occupancy, the owner of a housing structure must provide written verification to the Code Enforcement Officer that the structure is connected to adequate water and wastewater services. Written verification under this subsection must include the following:
  - a. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;
  - b. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S.. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;
  - c. If a housing structure 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 structure, proof of payment for the connection and the volume and supply of water required for the structure; and
  - d. If a housing structure is connected to a well, proof of access to potable water including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), *Land Use Districts and Standards*, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

### 4. Shoreland Zoning

This section shall not be construed to exempt a property owner from the applicable provisions of shoreland zoning requirements established by the Maine Department of Environmental Protection under 38 M.R.S., § 435, *et seq.*, or the Shoreland Zoning Ordinance for Livermore Falls. If located in the Shoreland, an accessory dwelling unit must independently meet the minimum lot size requirements as required in Section 3 *Lot Sizes and Dimensional Standards* of this Ordinance.

## 5. Subdivision Requirements

This section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S., §§ 4401-4408, or Section 6 *Subdivision* of this Ordinance relating to division of a tract or parcel of land.

## 6. Restrictive Covenants

All residential units permitted after July 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

# B. ACCESSORY DWELLING UNITS

## 1. Requirements

A lot where a single-family dwelling unit is the principal structure may establish one (1) accessory dwelling unit. The accessory dwelling unit is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed, except that for any accessory dwelling unit within the Shoreland Zone, it may only be established on a lot where the accessory dwelling unit itself can meet the minimum lot area and minimum shore frontage requirements of Section 15(A) of the Shoreland Zoning Ordinance Town of Livermore Falls (*e.g.*, for a single family residence and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage). An accessory dwelling unit must meet the setback requirements set forth in the Shoreland Zoning Ordinance Town Livermore Falls if located within the Shoreland Zone, and the setback requirements set forth in Section 3 *Lot Sizes and Dimensional Standards* of this Ordinance.

## 2. Size

The 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, as may be amended, adopts a different minimum standard; if so, that standard applies. Other size limitations apply if located within a subdivision. An accessory dwelling unit shall not exceed 40% of the footprint of the principal structure in size.

### 3. Water and Wastewater

Prior to occupancy, an owner of an accessory dwelling unit must provide written verification to the Code Enforcement Officer that the accessory dwelling unit is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

- i. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
- ii. 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 the Local Plumbing Inspector pursuant to 30-A M.R.S. §4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;
- iii. If an accessory dwelling 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; and
- iv. If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), *Land Use Districts and Standards*, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

## C. AFFORDABLE HOUSING DEVELOPMENTS

### 1. Eligibility for Density Bonus

An automatic density bonus applies to certain affordable housing developments approved after July 1, 2024, as set forth herein.

- i. The proposed development must be located within a Designated Growth Area as may be established in the Town's Comprehensive Plan, or located on a lot that is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system, and be in a location that permits multi-family dwellings as of July 1, 2024.
- ii. The proposed development must comply with the minimum lot size standards in accordance with the State Minimum Lot Size law, 12 M.R.S. § 4807-A, as may be amended.



- iii. The proposed development must be an affordable housing development, as defined in this Chapter, where 51% or more of the units are affordable and meet the following requirements:
  - a. The owner of the affordable housing development executes a restrictive covenant that is enforceable by a party acceptable to the Town. This restrictive covenant must be recorded in the Androscoggin County Registry of Deeds to ensure that for at least thirty (30) years after the completion of construction:
    - i. For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
    - ii. For owned housing, occupancy of all the units designated affordable in the development will remain limited to the households at or below 120% of the local area median income at the time of initial occupancy.
- iv. Prior to occupancy, the owner of the affordable housing development must provide written verification to the Code Enforcement Officer that each unit of the affordable housing development is connected to adequate water and wastewater services. Written verification under this subsection must include the following:
  - a. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
  - b. 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 the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;
  - c. 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; and
  - d. 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. Ch. 10 § 10.25(J), *Land Use Districts and Standards*, as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

- v. No more than two (2) parking spaces for motor vehicles must be provided for every three (3) dwelling units of an affordable housing development.

## 2. Density Bonus

If the requirements of 1 *Eligibility for Density Bonus* items i.-v. above are met, the proposed development may have a dwelling unit density of not more than 2.5 times the base density that is otherwise allowed in that location. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number.

## **SECTION 6: SUBDIVISION**

### **A. PURPOSE**

The purpose of this section shall be: to assure the comfort, health, safety and general welfare of the people; to protect the environment; to provide for the orderly development of a sound and stable community; and to establish an administrative review process which will provide the Livermore Falls Planning Board with sufficient evidence, data and material to carry out its responsibilities as required in 30-A M.R.S., § 4401 et seq., and other ordinances adopted by the Town. The section also has the purpose of providing a process by which the residents of Livermore Falls and others can evaluate the impact of the subdivision as well as providing a clear procedure which applicants for subdivision permits shall follow.

### **B. ADMINISTRATION**

1. This section shall be administered by the Planning Board for the Town of Livermore Falls, hereafter referred to as the "Board".
2. The provisions of this section shall apply to all of the land area of all proposed subdivisions, as defined, located in the Town of Livermore Falls.
3. No plans of a subdivision of land within the municipal boundaries of Livermore Falls shall be hereafter filed or recorded in the Androscoggin County Registry of Deeds until a Final Plan thereof has been approved by the Board, in accordance with all of the requirements, design standards and specifications set forth in this section, and 30-A M.R.S. § 4404, and approval shall have been entered on such Final Plan by a legal majority of the Board. The recording of a plan without the approval required by this section is void.
4. Whenever any subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated, the subdividing owner or their authorized agent shall apply formally to the Board for approval of a final plan of such subdivision as provided by this section and shall record an attested copy of the final plan so approved and so endorsed in the Androscoggin County Registry of Deeds.

### **C. PRE-APPLICATION**

The subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision to the Board. The Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions.

## **D. PROCEDURE FOR SUBMISSION AND REVIEW OF PRELIMINARY PLAN AND FINAL PLAN**

### **1. Submission and Review of the Preliminary Plan and Application**

The procedure for submission shall be as follows:

- i. The applicant shall submit the original copy of the Preliminary Plan and the Application to the Code Enforcement Officer along with five (5) copies of the Preliminary Plan and five (5) copies of the Application for the proposed subdivision as detailed in items three (3) and four (4) of this section to the Planning Board at a regularly scheduled meeting. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. In addition, one (1) copy of the plan, reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches. All accompanying information shall be given to each Board member no less than seven (7) days prior to the meeting. The Board shall issue a dated receipt to the applicant. Within thirty (30) days from the date of receipt, the Board shall notify the applicant in writing either that the Preliminary Plan and Application are complete, or if incomplete, the specific additional material needed to make them complete. After the Board has determined that the Preliminary Plan and Application are complete, the applicant shall be notified, and the Board will begin its review of the proposed development. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to the adequacy of the plan to meet the criteria of 30-A, M.R.S. § 4404, and this section.
- ii. The application shall be accompanied by a permit fee that meets the fee schedule determined by the Select Board and located in the Town Office. All checks shall be made payable to the Town of Livermore Falls, stating the specific purpose of the fee. All fees paid to the Town of Livermore Falls are non-refundable.
- iii. The Board shall forward one (1) copy of the completed Preliminary Plan and Application to the Select Board, the Plumbing Inspector, Road Commissioner, Fire Chief, Police Chief, Water District and Sewer District for their review and comments.
- iv. The Planning Board may hold a public hearing within thirty (30) days after the Planning Board has notified the applicant that the Preliminary Plan and Application is complete. The Planning Board shall publish the time, date, and place of the hearing at least seven (7) days prior to the hearing in a newspaper of area-wide circulation. The applicant shall send notice of the hearing by certified mail, return receipts requested, to abutting landowners, including owners of property on the opposite side of the road, a minimum of ten (10) days prior to the date of the public hearing.

- v. Within fifteen (15) days of the notice of receipt of the complete application, the Board shall determine whether it shall hold a public hearing on an application. The decision to hold a public hearing is discretionary and in making its decision, the Board may consider the type of subdivision, community impact, as well as written requests for a public hearing.
- vi. The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed Preliminary Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this section and in 30-A, M.R.S., § 4404, and to preserve the public's health, safety and general welfare. In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the Preliminary Plan does or does not meet the provisions of this section and 30-A, M.R.S. § 4404. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

## 2. Submission and Review of the Final Plan

The procedure for submission shall be as follows:

- i. The applicant shall submit the original and five (5) copies of the Final Plan to the Planning Board at a regularly scheduled meeting, within two (2) years after the date of approval of the Preliminary Plan. The Board shall issue a dated receipt to the applicant. The Final Plan shall include all the information requested in D.1.i-vi. and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and a Final Plan. The Final Plan shall be drawn in ink on a reproducible stable-based transparent original embossed with the seal of the Surveyor or engineer who prepared the plan suitable for permanent recording in the Androscoggin County Registry of Deeds. The Final Plan shall be drawn to a scale of not more than 100 feet to the inch. In addition, one (1) copy of the plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each board member no less than seven (7) days prior to the meeting.
- ii. The Planning Board has the option of holding a public hearing on the Final Plan. Regulations for such a hearing shall be according to State Law as provided in D.1.v. of this section.
- iii. The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed Final Plan, if no hearing is held, or within such other time limit as may be mutually agreed to, deny or grant approval of the Final Plan or grant approval on such terms and conditions as it

may deem advisable to satisfy the criteria contained in this section and in 30-A, M.R.S. § 4404, and to preserve the public's health, safety and general welfare. In issuing its decision, the Board shall make a written finding of fact establishing that the Final Plan does or does not meet the provisions of this section and 30-A M.R.S. § 4404.

- iv. Upon approval of the Final Plan by a majority of the Planning Board, the Board shall sign the original and four (4) copies of the final plan. The original shall be filed by the subdivider with the Androscoggin County Registry of Deeds. One (1) copy shall be retained by the subdivider, one (1) copy shall be retained by the Board, one (1) copy shall be filed with the Select Board. The Code Enforcement Officer shall maintain a permanent record of the Final Plan.

### 3. Application

The application form shall be furnished by the Board, filled out by the applicant, and shall include the following information: (Items marked with an "X" shall be required in all instances; items without an "X" may be required at the discretion of the Board.)

- X 1. Name and address of owner.
- X 2. Name and address of applicant (if other than owner).
- X 3. If the applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach a copy of the Secretary of State's registration.
- X 4. Name of applicants authorized representative.
- X 5. Name, address and number of registered professional engineer, land surveyor or planner who prepared the plan.
- X 6. Address to which all correspondence from the Board shall be sent.
- X 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)?
- X 8. What interest does the applicant have in any property abutting the parcel to be subdivided?
- X 9. State whether the subdivision covers the entire or contiguous holdings of applicant or not.
- X 10. Location of property: book and page (from Registry of Deeds).
- X 11. Location of property: map and lot (from Assessor's Office).
- X 12. Current zoning of property if applicable.

- X 13. Acreage of parcel to be subdivided.
- X 14. Proposed method of sewage disposal and the results of an on-site soils investigation for each lot.
- X 15. Soils report for entire area.
- X 16. Names and mailing addresses of property owners within 500 feet of abutting parcel to be subdivided.
- X 17. Indicate the nature of any restrictive covenants to be placed on the deeds.

#### 4. Subdivision Plan

The subdivision plan shall be a map of the tract to be subdivided, certified by a registered land surveyor, and tied to established reference points. Plan shall not be less than 12"X 22" or more than 24" by 36" and shall be drawn to scale of 1" equals not more than 100 feet. The subdivision plan shall include the following information: (Items marked with an "X" shall be required in all instances; Items without an "X" may be required at the discretion of the Board.)

	Preliminary Plan	Final Plan	
1.	X	X	Name of proposed subdivision; location of subdivision; name of subdivider; and embossed seal and signature of Registered Land Surveyor.
2.	X	X	Lot numbers.
3.	X	X	Date, magnetic north point and graphic map scale.
4.	X	X	A standard boundary survey of the parcel made and certified by a registered land surveyor and proposed lot lines with approximate dimensions and lot areas, and total area of land to be subdivided.
5.	X	X	Proposed lot lines with dimensions, bearings, deflection angles, radii, and central angles sufficient to reproduce any line on the ground, and lot areas and total area of land to be subdivided.
6.	X		Location of temporary markers to enable the Planning Board to locate each lot rapidly and appraise the basic lot layout in the field.
7.		X	Location of permanent markers, both natural and manmade.
8.	X	X	Location of all parcels to be dedicated to public use and the conditions of such dedication.
9.	X	X	Names of abutting property owners and subdivisions. Reference to record subdivision plans of adjoining lands by book and page number.
10.	X	X	Location of freshwater wetlands and any portion of the subdivision that is in the boundaries of any flood hazard area and the 100-year flood elevation.

11.	X	X	Location of all required soil investigation test pits.
12.	X	X	Location and size of existing buildings.
13.	X	X	Suggested location of buildings, subsurface sewage disposal systems and wells.
14.	X	X	Location of all natural features or site elements including significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, historic or rare and irreplaceable natural areas to be preserved.
15.	X	X	Location of any existing river, stream, or brook within or abutting the subdivision and other essential existing physical features.
16.	X	X	Location and size of any existing sewer and water mains and other utilities, location and size of culverts and drains.
17.	X	X	Locations, names and widths of existing and proposed streets, highways, easements, and rights-of-way.
18.	X		Contour lines at 5-foot intervals (or other interval as specified by the Board).
19.	X		Proposed uses of property.
20.	X	X	Other information not indicated above as required by the Board.
21.	X	X	Soil erosion and sediment control plan.
22.	X	X	A plan for the disposal of surface water run-off prepared by a Registered Professional Engineer.
23.	X	X	Any portion of the subdivision located in the direct watershed of a great pond.
24.			Phosphorous impact analysis.
25.	X	X	The cost of the proposed subdivision and a statement of the applicant's technical and financial capacity to carry out the project.
26.	X	X	A statement of the type of water supply and availability.
27.	X	X	Suitable space to record on the approved Plan and date the conditions of approval, if any. This space shall be similar to the following example:

Approved by the Town of Livermore Falls Planning Board:

Signed: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_

Conditions: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## 5. Accompanying Information Documents



The Board may require the following accompanying documents or information to be included with the Plan:

- i. Traffic impact analysis.
- ii. Statement from the Fire Chief as to the ability to provide adequate fire protection.
- iii. Plans, profiles and cross-sections for roadways, sidewalks, and storm drainage facilities.
- iv. A soil erosion and sediment control plan for construction and for permanent control.
- v. Other information or documents not indicated above, as specified by the Board, provided that the same are necessary for the Board to analyze the compliance of the proposed subdivision with performance standards contained in this Section, or otherwise imposed by law.

6. Plan Revision After Approval

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 Plan is first resubmitted, and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and enforcement action against the subdivider or their successor or assign may be initiated by the Town.

7. Public Acceptance of Streets, Recreation Areas

- i. 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.
- ii. When a park, playground or other recreation area are to be shown on the plan, the approval of the plan shall not constitute an acceptance by the Town of such areas. The Planning Board shall require the plan to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Code Enforcement Officer covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

## **E. PERFORMANCE STANDARDS**

In receiving applications for subdivision approval, the Board shall consider the following standards. In all instances the burden of proof shall be upon the person proposing the subdivision.

1. **Conformance with Other Laws and Regulations:** The proposed subdivision shall be in conformance with all pertinent local, state, and federal ordinances, statutes, laws, and regulations. If the proposed subdivision meets the definition of a subdivision as defined in the Site Location of Development Act, 38, M.R.S. §482, the subdivider must secure the approval of the Board of Environmental Protection and the Board before any construction activity may begin in the subdivision.
2. **Conformance with Comprehensive Plan:** Any proposed subdivision shall be in conformity with the Comprehensive Plan or policy statement as adopted by the Town of Livermore Falls.
3. **Buffer Strip:** The Board may require such natural vegetation, where separation is desirable.
4. **Easements:** The Board may require thirty (30) foot or wider easements for sewerage, drainage, or other utilities.
5. **Impact on Community Services and Facilities:** Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing community services and facilities including schools and recreational areas. The Board shall advise the Select Board and the developer regarding the designation of space for future community facilities and may withhold approval of the final plans pending such designation.
6. **Land Not Suitable for Development:** The total lot area of any lot shall satisfy the minimum requirements of Section 3 *Lot Sizes and Dimensional Standards* of this Ordinance, and the minimum shall be outside:
  - i. Freshwater wetlands, whether or not filled or drained;
  - ii. Land created by diverting a watercourse; and
  - iii. Land created on filled and drained "great ponds".

## **F. SUBDIVISION NAMES**

The name of the proposed subdivision shall not duplicate or close to the name of any other subdivision within the Town.

## **G. OPEN SPACE PROVISIONS**

1. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas.
2. The Board may require that a subdivider reserve an area of land as open space and/or

recreational area for use by property owners in the subdivision.

- i. If such an area is reserved, the final plan shall provide how title to the reserve land shall be held and how costs of development, maintenance and taxes shall be met.
- ii. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:
  - a. The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
  - b. If appropriate, the individual property owner's pro-rata share of development cost, maintenance cost and property taxes of the reserved lands.
- iii. Land designated for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designated for later development if the subdivision plan includes provision for development in discreet stages.
- iv. Any area designated for common use shall be so arranged that each property owner has access to it.

## **H. LOTS**

1. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In all instances, lot size, width, and depth shall conform with Section 3 *Lot Sizes and Dimensional Standards* of this Ordinance, and if applicable, the Livermore Falls Shoreland Zoning Ordinance as hereafter amended. The minimum building setback lines shall be determined with due regard to the recommended minimum of 25-foot setback for all street rights-of-way.
2. Depth and width of properties reserved or laid out for commercial purposes shall be adequate to provide for off-street parking facilities required by the type of use and development contemplated.
3. Where a tract is subdivided into lots substantially larger than the minimum size required in Section 3 *Lot Sizes and Dimensional Standards* of this Ordinance, the Board may require that streets and lots be laid out so as to permit future re-subdivision in accordance with the requirements contained in these standards.
4. Side lot lines shall be substantially at right angles or radial to street lines.

5. The Board may request the subdivider to make provisions in the subdivision plan to allow for each lot to have access to direct sunlight for solar energy systems.

## **I. LOT ACCESS**

Any proposed subdivision shall be so designed that every lot has frontage on a public or dedicated street.

## **J. EASEMENTS FOR NATURAL DRAINAGE WAYS**

Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will assure that no flooding occurs, and all storm water can be disposed of properly. Such an easement or right-of-way shall be not less than thirty (30) feet in width.

## **K. MOBILE HOME PARKS**

Mobile home parks and expansions of existing mobile home parks shall conform to the following standards:

### **1. Lot Size, Width and Density**

- i. All lots will be designated on a mobile home park plan.
- ii. Lots served by public sewer shall have a minimum lot area of 6,500 square feet. The lots will have a minimum lot width of fifty (50) feet.
- iii. Lots served by individual subsurface sewage disposal systems will have a minimum lot area of 20,000 square feet and minimum lot width of 100 feet.
- iv. Lots served by a central subsurface wastewater disposal system will have a minimum lot area of 12,000 square feet and minimum lot width of 75 feet.
- v. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one (1) unit per 20,000 square feet of total park area.
- vi. Where lots front on a curved right-of-way or area served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.
- vii. Lots within a shoreland zoning area as defined in the Shoreland Zoning Ordinance shall meet the lot area, lot width, setback, and shore frontage requirements for that district.
- viii. The overall area of the mobile home park shall be the combined area of the mobile home lots plus:

- a. The area required for road rights-of-way,
- b. The area required for buffer strips, if any,
- c. The area required for open space, and
- d. The area within the municipality's shoreland setback.

## 2. Lot Setbacks

Mobile homes in a mobile home park, adjacent to a public road, shall be set back from the road a distance equal to the setback requirements for other residential developments.

## 3. Open Space Requirements

The Board may require that within mobile home parks on a public sewer an area of land be reserved as open space and/or recreational area for use by all residents of the park. This requirement will be in accordance with provisions relating to other residential developments. No more than 10 percent of the total area devoted to individual lots shall be set aside for open space and/or recreation.

## 4. Buffer Strips

The Board may require a buffer strip to fifty (50) feet. in width, such as natural vegetation, where separation is desirable. The width of the buffer strip must comply with the requirements of 30-A M.R.S. § 4358, *Regulation of Manufactured Housing*.

## 5. Parking Requirement

For each mobile home lot, there shall be provided and maintained at least two (2) off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if an equivalent number of spaces is provided by a parking lane. In addition to occupant parking, off-street guest and service parking shall be provided within the boundaries of the park at a ratio of one (1) space for each four (4) mobile home lots. This requirement shall be waived if the parking lane provides an equivalent number of spaces.

## 6. Road Standards

The main entrance of the mobile home park shall be from a state, state aid or town road. All mobile home park lots shall abut on a roadway designed in accordance with the Town of Livermore Falls Streets and Ways Ordinance (see Section XIII, Privately Owned Roads- Mobile Home Parks). Parks generating more than 500 vehicle trips per day will require a traffic impact analysis by a professional engineer, registered in the State of Maine.

## 7. Streetlights

Mobile Home Park streets shall be illuminated by street lighting installed at regular intervals of 300 +/- feet. These lights shall be provided and maintained by the mobile home park owner.

## 8. Ground Water

For mobile home parks not served by public sewer, an assessment of the impacts of park development on ground water quality shall be submitted prior to final approval of the park. The assessment shall be prepared by a certified geologist or registered professional engineer.

## 9. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

- i. An adequate and potable supply of water, with a minimum of thirty (30) pounds per square inch pressure at all times, shall be provided for each mobile home space or lot. The water source shall be capable of producing 300 gallons of potable water per mobile home lot per day.
- ii. All mobile homes in a mobile home park shall be connected to the municipal sewer system or a centralized private system by means of an approved system of collector and interceptor sewer lines.
- iii. Where municipal sewer or centralized private sewer system is not used, an approved septic sewage disposal system shall be provided for each lot in a mobile home park.

## 10. Refuse

The storage, collection, and disposal of refuse in the mobile home park shall be so handled or managed by the permittee as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or area pollution. One (1) refuse can with a tight-fitting cover for each occupied mobile home lot or space shall be furnished by the mobile homeowner.

## 11. Aesthetics

- i. Skirting. An underskirt of a substantial material must be installed within 90 days from installation of mobile homes.
- ii. Storage. At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

## 12. Records

Each committee shall keep a written record, subject to inspection at any reasonable time by a duly authorized Officer of the Town of Livermore Falls, which shall contain the date of arrival, the name, make, year, model, serial number (where applicable) and length of mobile home, and also the names of the occupants thereof. A complete list of the above shall be furnished to the assessor's office on April 1st of each year.

## 13. Certification of Payment of Sales Tax

No municipality may allow the construction or location of any new manufactured housing within the municipality by any person other than a dealer licensed by the state with a sales tax certificate, without:

- i. A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the manufactured housing to the buyer locating the housing in the municipality; or
- ii. If no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with 36 M.R.S., § 1760, subsection 40, and 36 M.R.S. § 1952-B.

The permit is deemed to be not approved or valid until payment of the sales tax has been certified.

## L. BLOCKS

The length of blocks shall not exceed 1,400 feet. or be less than 400 feet. and the width sufficient to provide for two (2) tiers of lots, but irregularly shaped lots indented by cul-de-sac streets and containing interior parks will be acceptable when properly designed and provision made for maintenance of interior parks.

## M. DESIGN STANDARDS

### 1. Monuments

The subdivider shall install two (2) concrete or stone monuments at least 36 inches in length and 4 inches square with a suitable center point at each street intersection on the right-of-way line, and iron pan monument 5/8 inches in diameter and 36 inches long, at all points on boundary lines of lots where there is a change in direction and at all corner lots.

### 2. Street Names

Streets which joined or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of the streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Town and shall be subject to the approval of the Board.

### 3. Streets

- i. In accordance with the Comprehensive Plan of the Town of Livermore Falls and for the purposes of the standards, streets are classified by function as follows:
  - a. Major Streets: The term "major streets" includes arterial streets which serve primarily as major traffic ways for travel between and through towns; and collector streets, which serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial areas.
  - b. Minor Streets: Local streets which are used primarily for access to abutting residential, commercial, or industrial properties.

### 4. Layout

- i. Proposed streets shall conform, as far as practical, to such Comprehensive Plan and to the Major Street Plan as may have been adopted prior to the submission of a Preliminary Plan.
- ii. All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.
- iii. The arrangement, character, extent, width, grade, and location of all streets shall be considered in relation to existing or planned streets, to topographical conditions to public convenience and safety, and their proper relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography.
- iv. Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access street (parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on the street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- v. Entrances onto existing or proposed collector streets shall not exceed a frequency of one (1) per 200 feet of street frontage. Entrances onto existing or proposed arterial street shall not exceed a frequency of one (1) per 500 feet of street frontage.

### 5. Design and Construction Standards



All streets in a subdivision shall be designed and constructed to meet the standards of the Town of Livermore Falls Ordinance for the Acceptance of Streets and Ways and as hereafter amended, for streets according to their classification as determined by the Board. The Livermore Falls Road Commissioner or Engineer shall oversee the construction of all streets.

- i. Intersections of streets shall be at angles as close to 90 degrees as possible and in no case shall two (2) streets intersect at an angle smaller than 60 degrees. To this end, where one (1) street approaches another between 60-90 degrees, the former street shall be curved approaching the intersection.
- ii. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. A portion of any corner lot which is necessary to allow 25-foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.
- iii. Dead end or cul-de-sac streets shall be provided at the closed end with a turn-around having a property line radius of at least 60 feet with an outside pavement radius of at least 40 feet.
- iv. Jogs: Streets with center lines offset less than 125 feet shall not be permitted.
- v. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.
- vi. Curb radii at street intersections of 90 degrees or greater shall be at least 25 feet. Where the angle of street intersection is less than 90 degrees, a radius of at least thirty (30) feet shall be required.

## 6. Sidewalks

Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street at such locations as the Board may deem necessary.

## 7. Water Supply

- i. Where a public water main is within 1,500 feet of the subdivision at its nearest point, the subdivider shall connect with such water main with a line meeting the specifications of the Livermore Falls Water District.

- ii. Where a public water line is not reasonably accessible as defined by the said Water District, the subdivider shall provide a private water supply acceptable to the Town Health Officer.

#### 8. Sewage Disposal

- i. Where a public sanitary sewer line is within 1,500 feet. of the subdivision at its nearest point, the subdivider shall connect with such sanitary sewer lines meeting the specifications of the Sewer District.
- ii. Where public sewer is not reasonably accessible as determined by the Board, the subdivider shall provide proof of soils suitable for subsurface wastewater sewage disposal on each lot in accordance with the State of Maine *Subsurface Wastewater Disposal Rules*.

#### 9. Storm Drainage

Adequate means of storm drainage shall be provided by the subdivider, and such drainage shall be kept separate from any sanitary sewer line.

### **N. GUARANTEE, SECURITY OR PERFORMANCE BOND**

- 1. The Planning Board shall require as a condition of approval that the subdivider file with the Board at the time of approval and prior to the issuance of any permit, a performance guarantee in an amount of at least 125% of the cost of the proposed improvements including, but not limited to, streets, sidewalks, utilities, storm drains, parks, and publicly held open spaces. This may be tendered in the form of a certified check payable to the Town, a savings account or certificate of deposit assigned to the Town, or an irrevocable letter of credit issued by a financial institution licensed to do business in the State of Maine. The conditions and amount of such a performance bond shall be determined by the Planning Board of the Town with the advice of various Town Department Heads concerned. The amount shall be sufficient to ensure the furnishing, installing, connecting, and completing all improvements specified on the approved plan within two (2) years of the date of the certified check or performance bond. If the subdivision is to be completed in phases, the Planning Board may require a performance guarantee for each phase rather than a single guarantee for the entire subdivision provided each phase conforms to the two (2) year completion requirement of this section.
- 2. The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance. When the subdivider can demonstrate, to the satisfaction of the Planning Board and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Select Board for official action.

## **O. INSPECTION OF REQUIRED IMPROVEMENTS**

1. At least ten (10) days prior to commencing construction of improvements or alteration of roads and utilities, the subdivider shall notify the Town Manager in writing of the time when they propose to commence construction of such improvements so that the Code Enforcement Officer can cause inspection to be made to assure that all town specifications and requirements shall be met during the construction of required improvements and utilities required by the Board.
2. If the Code Enforcement Officer, engineer, or appointed engineer shall find, upon inspection of the improvements performed before expiration date of the guarantee where security arrangement or performance bond required by item N. above that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, shall so report to the Select Board, Code Enforcement Officer, and Planning Board. The Select Board shall then notify the subdivider and if necessary, the bonding company, but take all necessary steps to preserve the Towns' rights under the guarantee, security, or bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.
3. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Code Enforcement Officer, engineer or appointed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Code Enforcement Officer, engineer or appointed engineer may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Code Enforcement Officer, engineer, or appointed engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.
4. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the Town.

## **P. RELEASE OF GUARANTEE, SECURITY OR PERFORMANCE BOND**

Before a subdivider may be released from any obligation required by his guarantee of performance, the Planning Board will require certification from the Code Enforcement Officer, engineer or appointed engineer, and whatever other agencies and departments that

may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, state and local codes and ordinances.

#### **Q. WAIVERS**

1. Where the Board finds that extraordinary and unnecessary hardships result from strict compliance with the standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan and that such waivers may not be from any dimensional standard contained in Section 3 *Lot Sizes and Dimensional Standards* of this Ordinance.
2. Where the Board finds that, due to special circumstances of a particular Plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
3. In granting waivers, the Board shall require such conditions as will, in its judgment, secure substantially the objective of the requirements to varied or modified.

## **SECTION 7: DEFINITIONS**

**Accessory Dwelling Unit:** A self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit shall be a minimum of 190 square feet and shall not exceed 40% of the footprint of the principal structure in size.

**Accessory Use or Structure:** A subordinate use of a building, other structure or land, or a subordinate building or other structure:

- a. whose use is customary in connection with the principal building, other structure, or land or;
- b. whose use is incidental to the use of the principal building, other structure, or use of land; and
- c. which is located on the same lot as the principal building, other structure, or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

**Adequate Water Supply:** Running water piped thereto in an approved manner so as to keep the residential structure in a clean and sanitary condition, year-round.

**Affordable housing development:** Affordable housing means:

- a. For rental housing, a development in which a household whose income does not exceed 80% 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 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs; and
- b. For owned housing, a development 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 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.
- c. For purposes of this definition, "housing costs" include, but are not limited to:
  - i. 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
  - ii. 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.

**Agriculture:** Production of crops and livestock.

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

**Attached:** Connected by a shared wall to the principal structure.

**Base density:** The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in Section 3 *Lot Sizes and Dimensional Standards* of this Ordinance or the Shoreland Zoning Ordinance, as applicable.

**Campground:** An area devoted to overnight recreational or educational use, where the land area is divided into sites or lots for which a charge is made; either on a short term or a long-term basis by sale, rent or lease or by means of a condominium type ownership.

**Centrally managed water system:** A water system that 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 a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

**Code Enforcement Officer:** A person certified under 30-A M.R.S. § 4451(2-A) that is appointed and employed by a town to enforce all enabling state laws and local ordinances.

**Commercial Structure:** A structure utilized for the buying or selling of goods or services or the provision of facilities for a fee.

**Commercial Use:** Includes, but not be limited to: professional and business offices, retail outlets, services such as barber or beauty shops, tailors, laundromats, dry cleaners, restaurants, parking lots, service stations or repair garages, hotels, motels, or inns, storage, and horticultural activities and athletic or recreational facilities for hire.

**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. Ch. 241, *Subsurface Wastewater Disposal Rules*.

**Comprehensive plan:** A long-range document or interrelated documents containing the elements established under 30-A, M.R.S. § 4326, subsections 1 to 4, and as defined in § 4301.

**Dedicated Street:** A street, alley, avenue, boulevard, highway, road, or right-of-way which is so designed, laid out and constructed to be accepted by the Town at some future date.

**Density requirements:** The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

**Designated growth area:** Any 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.

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

**Dwelling unit:** Any part of a structure which, through sale or lease, is intended for human habitation, and includes provisions for living, cooking, eating, and sleeping. A dwelling unit includes single-family and multi-family housing, condominiums, time-share units, and apartments.

**Existing dwelling unit:** A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a town does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

**Freshwater Wetlands:** freshwater swamps, marshes, bogs, and similar areas that are:

1. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
2. Not considered part of a great pond, river, stream, or brook.

**Home Occupation:** An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and employs two (2) or less full-time equivalent outside employees.

**Housing:** Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family 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 these uses are otherwise allowed in local ordinance.

**Industrial:** Connected with the assembling, fabrication, furnishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

**Institutional:** A building devoted to some public government, educational, charitable, religious, medical, or similar purpose.

**Lot:** A single parcel of developed or undeveloped land described in a deed or other legal instrument.

**Major Streets:** Arterial streets which serve primarily as major traffic ways for travel through and within the Town, and collector streets which serve as feeders to an arterial street, as collectors of traffic from minor streets, for circulation around a residential neighborhood, or for circulation and access in commercial or industrial areas.

**Manufactured Housing:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, 2 types of manufactured housing are included. Those 2 types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one (1) or more sections, that in the traveling mode are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.
  - a. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401, et seq.; and
2. Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with 10 M.R.S. § 9001, et seq., and rules adopted under that chapter, meaning structures, transportable in one (1) or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

**Minor Streets:** Those streets which are used primarily for access to abutting residential properties.

**Mobile Home:** Structures transportable in one (1) or more sections, which in the traveling mode are fourteen (14) body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as a residential structure, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. A mobile home must comply with the minimum requirements of Section 6 *Subdivision* of this Ordinance, if applicable.



**Mobile Home Park:** A parcel of land under unified ownership approved by the Town for the placement of three (3) or more manufactured homes. A mobile home park and a mobile park subdivision must comply with the minimum requirements of Section 6 *Subdivision* of this Ordinance.

**Multi-Family dwelling:** A structure containing three (3) or more dwelling units.

**New Structure:** Any structure which is placed, constructed, or substantially reconstructed within the Town, or first occupied, after the effective date of this Ordinance.

**Non-Conforming Lot of Record:** A lot existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

**Outbuilding:** Structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any process, animals, equipment, goods, or materials of any kind associated with these types of buildings.

**Person:** Any individual, firm, association, partnership, corporation, municipal or other local government entity, quasi municipal entity, state agency, educational or charitable organization or institution or other legal entity.

**Planning Board:** The Planning Board of the Town is created under 30-A, M.R.S. §§ 3001 or 4324 for the purpose of planning.

**Policy Statement:** A declaration of the plans and intentions of the Town.

**Potable:** Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table.

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

**Principal structure:** A building or structure that contains the primary use of a property.

**Residential Structure:** Any residential structure that all or part of which is designed for use as a living quarter. Factory-built homes, mobile homes, modular homes, and site-built homes shall be considered residential structures.

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

**Re-subdivision:** The division of existing subdivision or any change of lot size therein with the

relocation of any street or lot in a subdivision.

**Roadway:** The word "roadway" means and includes such ways as streets, alleys, avenues, boulevards, highways, roads, and other rights-of-way.

**Setback:** The area between the property line or boundary line of a public right of way and any building or structure located on the premises. Setbacks are measured from the property line.

**Single-family dwelling unit:** A structure containing one (1) dwelling unit.

**Site-built Structure:** A structure which is constructed on the site on which it is to be located.

**Street:** The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets, and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

**Structure:** Anything constructed or erected with fixed location on or in the ground, having a roof supported by columns or walls, and intended for the shelter, housing or enclosures of any process, animals, equipment, goods, or materials of any kind associated with these types of buildings (garages and barns are included).

**Subdivision:** As defined in 30-A, M.R.S. § 4401 and as amended, which states in part, "A subdivision is the division of a tract of land or parcel of land into three (3) or more lots within any 5-year period, which period begins on or after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a town, unless the intent of that gift is to avoid the objectives of this section or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section."

- i. The term "subdivision" shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a 5-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a 5-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph.

**Subdivider:** An individual, partnership, corporation, or any other legal entity that undertakes the activities governed by this Ordinance. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "sub divider" is intended to include the term "builder" and "developer" even though the person involved in successive stages of the subdivision may vary.

**Tiny House:** There are two (2) potential types of tiny home. Those two (2) types are:

1. A unit built on a chassis with wheels that is mobile and potentially moved from where it was constructed to a site for use as a “dwelling unit for human occupancy. This type is defined in State of Maine Statue 29-A § 101, as amended. All units constructed off site from the lot of installation shall have an insignia affixed to each module or unit which certifies the unit compiles with the State of Maine current construction codes and regulations. The only tasks of the Local Plumbing Inspector and the Code Enforcement Officer are to assess the placement relative to this Ordinance and the connection to on-site systems and utilities. Tiny homes of this type will be considered the same as a mobile home and must comply with the requirements of this Ordinance.
2. The second type would be a structure constructed under the same codes and standards as a larger, more traditional dwelling on a foundation, but still meeting the size limitation of less than 400 square feet and any applicable sections of this Ordinance.

**Undue Hardship** means:

- a. That the land in question cannot yield a reasonable return unless a variance is granted;
- b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- c. That the granting of a variance will not alter the essential character of the locality; and
- d. That the hardship is not the result of action taken by the applicant or a prior owner.

**Use:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Variance Appeals:** To hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A variance may be granted by the Board of Appeals only where strict application of the Ordinance, or a provision thereof, to the petitioner and their property would cause undue hardship.