BLUE HILL

COMMERCIAL

SITE PLAN REVIEW

ORDINANCE

Effective Date March 16, 2002

Amended April 5, 2014

Certified By

[Signature] 4/5/2014

[Signature] 4/5/2014

Municipal Officers Date

Attest True Copy

[Signature] 4/5/14

Town Clerk Date
Blue Hill Commercial Site Plan Review Ordinance

Table of Contents

Section 1. General Provisions ................................................................. 2
   A. Title ......................................................................................... 2
   B. Repeal of other Ordinances ..................................................... 2
   C. Authority ............................................................................... 2
   D. Purposes .............................................................................. 2
   E. Conflict with other Laws ....................................................... 2
   F. Severability ........................................................................... 2
   G. Effective date ......................................................................... 2

Section 2. Site Plan Review Required .................................................... 3
   A. Permit required ....................................................................... 3
   B. Table of Land Uses ................................................................ 3

Section 3. Application Procedures ......................................................... 4
   A. Classification of Projects .......................................................... 4
   B. Major Developments ............................................................... 4
   C. Minor Developments ............................................................... 5
   D. Submission Requirements ....................................................... 5
   E. Requirements for All Applications .......................................... 6-11

Section 4. Performance Standards ........................................................ 12
   A. Archaeological and Historic Sites ........................................... 12
   B. Campgrounds ........................................................................ 12
   C. Commercial Recreation Facilities .......................................... 13
   D. Dust, Fumes, Vapors, Gases, Odors, glare and Explosive Materials .......................................................................... 14
   E. Erosion and Sedimentation Control ......................................... 14-15
   F. Groundwater Protection .......................................................... 15-16
   G. Lighting .................................................................................. 17
   H. Oil and Chemical Storage ......................................................... 17
   I. On-Site Circulation ................................................................ 17
   J. Signs ...................................................................................... 18
   K. Site Conditions ....................................................................... 18
   L. Storm Water Management ...................................................... 18
   M. Wastewater Disposal .............................................................. 19
   N. Water Supply ........................................................................ 20

Section 5. Site Plan Review .................................................................. 20
   A. Purpose .................................................................................. 20
   B. Prohibition ............................................................................. 20
   C. Review Procedures ................................................................. 20-23
   D. Public Hearing Procedures ..................................................... 23
   E. Professional Review ............................................................... 24
   F. Failure to Act ......................................................................... 24
   G. Expiration of Approvals ........................................................ 24
   H. Other Permits ........................................................................ 24
   I. Access to Site and Records ...................................................... 25
   J. Site Plan Review Criteria ........................................................ 25-26
   K. Appeals ................................................................................ 26

Section 6. Enforcement ......................................................................... 26
   A. Authority ............................................................................... 26
   B. Violations ................................................................................ 26

Section 7. Definitions .......................................................................... 27-32
Section 1. General Provisions

A. Title
This Ordinance is formally known as the “Blue Hill Commercial Site Plan Review Ordinance”. It shall be referred to herein as the “Ordinance”.

B. Repeal of other Ordinances
The Ordinance known as the “Blue Hill Commercial Site Plan Review Ordinance”, enacted October 30, 1992 and amended April 1, 1993 is hereby repealed.
The Ordinance known as the “Blue Hill Commercial Site Plan Review Ordinance, enacted March 16, 2002 is hereby amended April 5, 2014.

C. Authority
This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2 § 1 of the Maine Constitution (Municipal Home Rule), the provisions of 30-A M.R.S.A. § 3001 (Home Rule) and the provisions of the Planning and Land Use Regulation Act. 30-A M.R.S.A. § 4312, etc. seq. (Comprehensive Planning and Regulation or “Growth Management Act”) and 30-A M.R.S.A. § 4452 (Enforcement of Land Use Laws and Ordinances).

D. Purposes
1. To assure the safety, health and welfare of the people of the Town of Blue Hill
2. To promote an economically sound and stable community.
3. To lessen the danger and congestion of traffic on the roads and streets.
4. To protect and preserve the natural environment of the Town of Blue Hill.
5. To establish orderly and uniform procedures whereby the Town may review high impact developments to insure that the other purposes of this Ordinance are met.

E. Conflict with Other Laws
Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance or statute which also applies to the proposed development, the requirement imposing the more restrictive or higher standard shall govern.

F. Severability
In the event that any section, subsection or provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, that declaration shall not be deemed to affect the validity of any other section, subsection or provision of this Ordinance. To this end, the provisions of this Ordinance are hereby declared to be severable.

G. Effective Date
The effective date of this Ordinance or any amendments hereto is at the date of this enactment by Town Meeting.
Section 2. Site Plan Review Required

A. Permit Required
No person shall commence or undertake any land use activity within the Town of Blue Hill, without first obtaining a Site Plan Review permit from the appropriate permitting authority as required by the following table of land uses:

B. Table of Land Uses

<table>
<thead>
<tr>
<th>Land Use Activity</th>
<th>Permit Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. One or two single family dwellings on a single lot.</td>
<td>No</td>
</tr>
<tr>
<td>2. Duplex dwelling on a single lot.</td>
<td>No</td>
</tr>
<tr>
<td>3. Conversion of a single-family dwelling on a single lot to a duplex dwelling.</td>
<td>No</td>
</tr>
<tr>
<td>4. Any structure or activity that is an accessory structure or use to items 1 through 3, above.</td>
<td>No</td>
</tr>
<tr>
<td>5. Subdivisions subject to review under the Town of Blue Hill Subdivision Ordinances.</td>
<td>No</td>
</tr>
<tr>
<td>6. All agricultural activities</td>
<td>No</td>
</tr>
<tr>
<td>7. Forest management activities</td>
<td>No</td>
</tr>
<tr>
<td>8. The construction of any new structure not otherwise exempted by this table.</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Any new commercial use of land not otherwise exempted by this table.</td>
<td>Yes</td>
</tr>
<tr>
<td>10. Any expansion of an existing commercial use that results in:</td>
<td></td>
</tr>
<tr>
<td>a.) lot coverage greater than fifty percent (50%);</td>
<td></td>
</tr>
<tr>
<td>b.) a structure with a footprint greater than two thousand (2,000) sq. ft. in area;</td>
<td>Yes</td>
</tr>
<tr>
<td>c.) total impervious surfaces on the lot in excess of four thousand (4,000) sq. ft. or seventy five percent (75%) of lot area.</td>
<td></td>
</tr>
<tr>
<td>11. Any use designated as development affecting water resources in Section 3.(B).(1.) of this Ordinance</td>
<td>Yes</td>
</tr>
<tr>
<td>12. The interior expansion of any commercial use land increases the floor area used for commercial purposes by fifty percent (50%) or more.</td>
<td>Yes</td>
</tr>
<tr>
<td>13. Any construction or expansion of a use that will result in groundwater extraction in excess of one thousand (1,000) gallons per day.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Section 3. Application Procedures

A. Classification of Projects
Projects subject to Site Plan Review shall be classified by the CEO into Major or Minor Developments.

B. Major Developments
Projects involving any of the following shall be classified by the CEO as a Major Development. Any project initially classified as a Major Development may be reclassified as a Minor Development upon a finding by the Planning Board that the project meets the requirements for classification as a Minor Development. After reclassification all further review shall be conducted by the CEO.

1. Developments affecting water resources.
   Developments affecting water resources are developments that are not served by a public sewer, which will generate a daily average discharge of more than two thousand (2,000) gallons of waste water and which will meet any one of the following three conditions:
   a. The project is located within three hundred feet (300') of a sand and gravel aquifer, as shown on the map entitled “Hydrologic Data for Significant Sand and Gravel Aquifers” by the Maine Geologic Survey, 1985;
   b. Any part of the project is located in an area to which the Town of Blue Hill Shoreland Zoning Ordinance is applicable; or
   c. Any part of the project is located in the watershed of the Blue Hill Water District.

2. Developments extracting one thousand (1,000) gallons of water or more per day.
   Developments extracting one thousand (1,000) gallons or more of groundwater per day.

3. Developments involving hazardous materials, oil or radioactive substances.
   Hazardous activities involving the consumption, generation, or handling of:
   a. Hazardous wastes as defined in 38 M.R.S.A. § 1303;
   b. Hazardous materials as defined in 38 M.R.S.A. § 1317;
   c. Oil, as defined in 38 M.R.S.A. § 542; and
   d. Low-level radioactive wastes, as defined in 38 M.R.S.A. § 1451.

4. Building area in excess of ten thousand (10,000) sq. ft.
   Any building or buildings on a single parcel constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a ground area in excess of ten thousand (10,000) square feet;
Section 3. (B.) Major Developments (continued)

5. Impervious surfaces in excess of sixty thousand (60,000) sq. ft.
   Any project where parking lots, roads, paved areas, or other areas to be stripped
   or graded and not to be re-vegetated causes the total project, including any
   buildings, to occupy a ground area in excess of sixty thousand (60,000) square feet; and

6. Conversion or expansion of a Major Development.
   Any project, which is a conversion or expansion of an existing project meeting the
   description of a Major Development, above.

C. Minor Developments
   Projects not classified by the CEO as a Major Development shall be considered a Minor
   Development under this Section. Any project initially classified as a Minor Development
   may be reclassified as a Major Development upon a finding by the CEO that the project
   meets the requirements for classification as a Major Development. After reclassification
   all further review shall be conducted by the Planning Board.

D. Submission Requirements

1. Major and Minor Developments
   Projects classified as Major or Minor Developments have to submit the
   information specified in Section 3.(E.)

2. Developments affecting water resources
   In addition to submitting the information required of Major Developments,
   developments affecting water resources shall submit a high intensity soil survey
   (Section 3.(E.)(7) and a hydrogeologic assessment (Section 3.(E.)(8).

3. Developments extracting one thousand (1,000) gallons of water or more per day.
   In addition to submitting the information required of Major Developments,
   developments extracting one thousand (1,000) gallons or more of groundwater per day
   shall submit a groundwater extraction impact assessment (Section 3.(E.)(9).

4. Waiver
   The permitting authority may waive any of the submission requirements upon the
   written request of an applicant for good cause shown. The permitting authority must
   state the facts constituting good cause in writing. No waiver may be granted if it will
   unduly restrict the review process. The permitting authority may condition such a
   waiver on the applicant’s compliance with alternative requirements. Good cause may
   include the permitting authority’s finding that particular submissions are inapplicable,
   unnecessary, or inappropriate for a complete review. Not withstanding the waiver of a
   submission requirement, the permitting authority may, at any later point in the review
   process, rescind such waiver if it appears that any submission requirement previously
   waived is necessary for an adequate review. A request for submission previously
   waived shall not affect the pending status of an applicant.
Section 3.(D.) Submission requirements (continued)

5. Procedures
Applications for site Plan Review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the CEO who shall forward it to the Planning Board, where appropriate.

6. Optional pre-application review
Whenever Site Plan Review is applicable to a particular, proposed development, the applicant may submit a sketch plan of the site and proposed development to the CEO for informal review and comment. There is no fee for pre-application review, any review or comment by the CEO is not binding upon either the CEO or Planning Board, and the use of this procedure shall not render an application to be a pending application.

E. Requirements for All Applications
The following materials and items are required of all applications.

1. Application form
A fully executed and signed copy of the application form;

2. Review fee
A non-refundable Site Plan Review fee of two hundred dollars ($200.00), plus fifty dollars ($50.00) for each two thousand (2,000) square feet or any fraction thereof, of gross habitable floor space (including basement and attic) over two thousand (2,000) square feet.

3. Technical review fee
For each application subject to review by the Planning Board there shall be a technical review fee of one hundred fifty dollars ($150.00) for each two thousand (2,000) square feet or any fraction thereof, of new impervious surface over two thousand (2,000) square feet.

Upon request of the Planning Board and the approval of the Selectmen, all or any portion of the technical review fee may be expended for technical services by independent consultants. The independent consultants shall report to the Planning Board as to the project's compliance or non-compliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions, which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include:

An Attorney;  A Community Planner;
A Registered Professional Engineer;  A Registered Architect;
A Registered Landscape Architect;  A Registered Geologist;
A Licensed Soil Scientist;  A Registered Land Surveyor;

or
Any other Registered/Licensed Professional or Independent Expert Witness deemed fully qualified by the Planning Board.

Any moneys remaining at the end of the review shall be returned to the applicant.
Section 3. (E.) Requirements for all applications (continued)

4. Copies
   a. Applications for Minor Developments shall include two (2) copies of written materials plus two (2) sets of maps or drawings containing the information listed below. The written materials shall be stapled together, or contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.

   b. Applications for Major Developments shall include six (6) copies of written materials plus six (6) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.

5. General information
   The following general information is required:
   a. Name of owner of record and address;

   b. Applicant’s name and address if different;

   c. The name of the proposed development;

   d. Names and addresses of all abutting property owners;

   e. Sketch map showing general location of the site within the Town;

   f. Location map showing the relationship of the proposed project to adjacent properties and to the general surrounding area within three thousand (3,000) + feet of any property line of the site, and the location of any sand and gravel aquifers within three hundred feet (300') of the project. The scale shall not be smaller than 1" = 400'; reduced tax maps showing owner’s names and other required information will be acceptable;

   g. The tax map(s) and lot number(s) of the parcel or parcels where the parcel is located and of abutting parcels;

   h. A copy of the current deed to the property, option to purchase the property or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;

   i. A statement stating whether any portion of the project is located within the watershed of the Blue Hill Water District; and

   j. The name(s), registration number(s), and seal(s) of the land surveyor, architect, engineer, and/or similar professionals assisting with the preparation of the plan.
Section 3.(E.) Requirements for all applications (continued)

6. Site Information

The following information regarding proposed development and existing conditions is required. This information must accompany, or be submitted on, a map using the following scale and showing the date of the map, magnetic north, the scale and the identity of the draftsman:

<table>
<thead>
<tr>
<th>Acres</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-10</td>
<td>1&quot;=10' to 1&quot;=50'</td>
</tr>
<tr>
<td>10+=50</td>
<td>1&quot;=50' to 1&quot;=100'</td>
</tr>
<tr>
<td>50+(lots 4 acres)</td>
<td>1&quot;=100'</td>
</tr>
<tr>
<td>50+(lots &gt;4 acres)</td>
<td>1&quot;=200'</td>
</tr>
</tbody>
</table>

a. Zoning classification(s) of the property and the location of zoning district boundaries if the property is wholly or partially located in an area subject to shoreland zoning;

b. The bearings and distance of all property lines of the property to be developed and the source of this information;

c. Location and size of all existing and proposed wells, sewer and water mains, culverts, drains, above or below ground utilities and waste water disposal systems on the property to be developed, and of any of these items that currently serves or will serve the development from abutting streets or land;

d. Location, names and widths of all existing and proposed streets and rights-of-way adjacent to the proposed development.

e. The location, dimensions and ground floor elevations of all existing and proposed buildings on the site;

f. The location and dimensions of all existing and proposed driveways, streets, parking and loading areas and walkways on the site;

g. The existing and proposed topography of the site at an appropriate contour interval (not greater than 5') depending on the nature of the use and character of the site;

h. Major natural features on the site and including, within two hundred fifty feet (250') of the boundaries of the site, wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats including bird nesting, staging and feeding areas and deer yards (identified in the 1999 Comprehensive Plan), archaeological resources or other important natural features;

i. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified;
Section 3.(E.)(6.) Site information (continued)

j. The direction and amount of pre-development and proposed surface water drainage flow across and from the site, based upon 24-hour, 2-, 10- and 25-year storms. Where proposed flows exceed pre-development flows by ten percent (10%) or more, the applicant shall submit a storm water management plan, showing the steps taken to minimize the impact of storm water runoff. The storm water management plan shall be based upon 24-hour, 2-, 10- and 25-year storms.

k. The location and type of all existing and proposed exterior signs;

l. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the site. Such covenants or deed restrictions shall be referenced on the plan;

m. The location of all existing and proposed building setbacks, yards and buffers required by this Ordinance;

n. Elevation view of the building and signs, showing heights and materials.

o. Landscaping plan showing the building(s), existing and proposed vegetation, walkways and exterior lighting. Drawings to be at the scale designated in Section 3.(E.)(6.)

p. A schedule of construction, including anticipated beginning and completion dates;

q. The Board may, at its discretion, require the applicant to provide a visual impact assessment which may include photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee.

r. Projects involving the storing, generating or handling of hazardous wastes or materials, oil or radioactive wastes shall specify the exact amount and nature of all such substances that will be on the site, and the specific method of handling and containing those substances that will be used.

s. An erosion control and sedimentation control plan setting forth the measures to be taken to comply with Section 4.(E.), below;

7. High Intensity soil survey
   A high intensity soil survey is a “high intensity soil survey” as defined by the Maine Association of Professional Soil Scientists.
Section 3.(E.) Requirements for all applications (continued)

8. Hydrogeologic assessment
   Where a hydrogeologic assessment is required, the assessment shall include the following minimum information. The Planning Board may require additional information where necessary to evaluate the project’s compliance with the performance standards of this Ordinance.

   a. A map showing basic soil types on the site.

   b. The depth of the water table at representative points throughout the site.

   c. Drainage conditions throughout the site.

   d. Data regarding the existing ground water quality, either from test wells on the site or from existing wells on abutting properties.

   e. An analysis and evaluation of the impact of the project on ground water resources. Residential projects shall include a projection of project nitrate-nitrogen concentrations. Projects within the watershed of a lake or pond shall include phosphate impact calculations.

   f. The location of any subsurface wastewater disposal systems and wells on the site and within two hundred (200) feet of the site boundaries.

   g. Projections of post-development water quality at any wells within the site, abutting wells of five hundred (500) feet from the point of contamination, whichever is the shorter distance. These projections shall be based upon a drought condition assumption of sixty per cent (60%) of annual average recharge from precipitation.

   h. The signature and seal of the Certified Geologist who prepared the assessment.

9. Groundwater extraction impact assessment
   A groundwater extraction impact assessment shall consist of the following information:

   a. A statement from the applicant specifying the quantity of ground water to be extracted expressed as the annual total, the maximum monthly rate by calendar month, and the maximum daily rate. These rates shall be maximum rates, which rates shall not be exceeded without further Site Plan Approval by the Planning Board.

   b. For projects coming under the jurisdiction of the Maine Department of Human Services, a letter from that agency containing review comments of the DHHS.
Section 3.(E.)(9.) Groundwater extraction impact assessment (continued)

c. A report prepared by a Certified Geologist showing:

1. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which the water is to be extracted. The map shall include sufficient detail to support a calculation of sustained yield during a ten (10) year drought, as well as an estimate of any potential interaction between or among this and adjacent aquifers.

2. Calculations based upon the investigation showing the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by calendar month) and daily extraction rates, the cone of depression that may develop about the project and impacts upon the water table in the tributary aquifer or one thousand (1,000) feet of the proposed extraction facilities, whichever is closer.

10. Waivers sought by applicant
A list of the submission requirements for which the applicant seeks a waiver, and a written explanation of the reasons that the waiver is sought.
Section 4. Performance Standards

The following Land Use Standards shall govern all permits and approvals issued under this Ordinance.

In reviewing applications submitted pursuant to this Ordinance, the CEO or the Planning Board shall consider the following performance standards prior to issuing final approval. In all instances the burden of proof shall be upon the applicant.

A. Archaeological and Historic Sites.

Any proposed land use activity that may disturb an archaeological site as determined by the State Archaeologist, or historic site which is listed on or eligible to be listed on the National Register of Historic Places, shall require the applicant to submit comments in writing from the State Archaeologist or the Maine Historic Preservation Commission concerning the proposed activity. These comments shall be considered by the permitting authority in deciding whether to grant the permit.

B. Campgrounds

Campgrounds shall meet the following requirements, in addition to the other requirements of this Ordinance.

1. Campsites and all structures shall be located at least fifty (50) feet from any property line, and at least one hundred (100) feet from any residence on abutting property.

2. Campsites shall be laid out and screened in such a manner that they are not visible from abutting public roads, residences or approved subdivision lots.

3. No recreational vehicle shall be exhibited for commercial sale within the park.

4. Stored recreational vehicles shall be screened in such a manner that they are not visible from abutting public roads, residences or approved subdivision lots.

5. Site density shall not exceed twenty (20) tent sites or sixteen (16) recreational vehicle sites per acre (excluding circulation roads).

6. Campsites located in the Limited Residential or Limited Commercial Zones as shown on the Town of Blue Hill, Official Shoreland Zoning Map, shall conform to the following standards:

   a. Each campsite shall contain a minimum of five thousand (5,000) square feet of land, not including roads, driveways, land supporting wetland vegetation or land below the normal high water line;

   b. Each campsite shall have a minimum shore frontage of seventy-five (75) feet; and
Section 4.(B.) Campgrounds (continued)

   c. The areas intended for placement of a recreational vehicle, tent or shelter, and utility service buildings, shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland.

   7. A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent or shelter site.

   8. There shall be a minimum of twenty-five (25) feet between recreational vehicles.

   9. There shall be a minimum of seventy-five (75) feet between recreational vehicles and tent sites.

   10. Each recreational vehicle, tent site or covered shelter site shall be a picnic table per site, and a covered trash receptacle for every three (3) sites. Trash receptacles shall be emptied at least once per day.

   11. There shall be one toilet and lavatory for each sex, for each ten (10) campsites. Water and sewage systems shall conform to state regulation.

   12. Each campsite shall be equipped with a masonry or metal fireplace, the construction of which is approved by the Blue Hill Fire Chief.

C. Commercial Recreation Facilities.
All commercial recreation facilities shall have adequate off-street parking for the anticipated maximum attendance at any event.

D. Dust, Fumes, Vapors, Gases, Odors, Glare and Explosive Materials.

   1. Emissions of dust, dirt, fly ash, fumes, vapors or gases which pose an unreasonable risk of harm to human health or the environment shall be prohibited.

   2. No land use or establishment shall be permitted to produce unreasonable, offensive or harmful odors perceptible beyond their lot line, measured either at ground or habitable elevations.

   3. No land use or establishment shall be permitted to produce unreasonable glare or brightness beyond its lot lines.
      a. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view of motorists, pedestrians or adjacent buildings.
Section 4. (D.) Performance Standards (continued)

b. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residences.

4. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the rules and regulations adopted by the State of Maine.

E. Erosion and Sedimentation Control.
The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance:

1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and cleanup stages.

2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:

   a. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;

   b. Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and insure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;

   c. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;

   d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

   e. The disturbed area and the duration of exposure shall be kept to a practical minimum;

   f. Disturbed soil shall be stabilized as quickly as practicable;

   g. Temporary vegetation or mulching shall be used to protect disturbed areas during development;

   h. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
Section 4. (E.)(2.) Erosion and Sedimentation Control (continued)

i. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or the other acceptable methods;

j. The top of a cut or the bottom of a fill section shall not be closer than ten feet (10’) to an adjoining property, unless specifically permitted by the permitting authority. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred feet (100’) of any property line in absence of the prior written agreement of the owner of such adjoining property;

k. During grading operations, methods of dust control shall be employed wherever practicable;

l. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible;

m. Any activity on a stream, watercourse, or swale or upon floodway or right-of-way shall comply with the Natural Resource Protection Act, 38, M RSA § 480 A-Z. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed; and

n. Maintenance of drainage facilities or watercourses originating completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

F. Groundwater Protection
Developments shall conform to the following groundwater protection criteria:

1. The quantity of water to be taken from groundwater shall not substantially lower the water table, cause salt water intrusion into any existing well, cause unreasonable changes in groundwater flow, or unreasonable ground subsidence, based upon ten (10)-year drought water levels;

2. The development shall not cause pollution or unreasonable diminution of the aquifer from which it is extracted;

3. Any development located in a defined public water supply aquifer recharge area shall not have an unreasonable adverse effect upon that public water supply;
Section 4. (F.) Groundwater Protection (continued)

4. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guideline established for it in the Safe Drinking Water Standard, EPA Health Advisory, or NAS Health Advisory. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination;

5. The development shall not increase any contaminant concentration in ground water to more than one-half of the Primary Drinking Water Standards, nor more than the Secondary Drinking Water Standards;

6. Where existing ground water pollution already exceeds the Secondary Drinking Water Standards, the development shall not cause the concentration of the parameters in question to exceed one hundred fifty percent (150%) of the ambient concentration; and

7. Lots larger than that required by the State of Maine shall be required where necessary in accordance with the following formula:

\[ d = (q)(C_{nitrate} - C_b) + (Cs)(qs) \]

\( d \) is the allowable housing density in dwellings per acre.

\( q \) is the rate of natural ground water recharge, averaged over the year in gpm/acre; some representative numbers by soil type are:

- glaciomarine clay: 0.11 – 0.23
- thick silty clay: 0.23
- thin soil over rock: 0.33
- thin till over rock: 0.46
- sandy glacial till: 0.57
- glaciomarine fine sands: 0.91
- raised beach deposits: 1.16
- sand and gravel: 1.16

\( C_{nitrate} \) is the resultant concentration of nitrate-nitrogen in ground water as a result of subsurface sewage disposal systems, 5 mg/l.

\( C_b \) is the background concentration of nitrate-nitrogen in ground water. If records are not available, assume 0.25 mg/l.

\( Cs \) is the nitrate-nitrogen concentration in the typical septic tank discharge, 30 mg/l.

\( qs \) is the average leach field discharge rate per dwelling, which is equal to 70% of 270 gallons per day, or 0.15 gal/min.
Section 4. Performance Standards (continued)

G. Lighting
All exterior lighting shall be designed to insure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hours of use, hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

H. Oil and Chemical Storage
1. All storage of petroleum or liquid petroleum products shall be in conformance with the provisions to 38, M.R.S.A., § 541 et seq. which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground storage facilities and requires qualified personnel to oversee the removal of certain underground facilities;

2. Oil and chemical storage shall be in conformance with rules and regulations adopted by the State of Maine applicable to the stored substance; and

3. The applicant shall have the burden of proof to assure the Planning Board or CEO that all provisions of the above statutes have been met before the issuance of any permits may take place.

I. On-Site Circulation

1. Vehicular circulation
The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles through the site.

   a. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.

   b. Non-residential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for all vehicles, including tractor trailers.

   c. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles and prevent their backing out onto a street.

   d. All streets and access ways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

2. Pedestrian circulation
The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project.
Section 4. Performance Standards (continued)

J. Signs
Where vision may be obscured entering a public street the whole of a sign board or
display elements of any free-standing sign shall be either below three feet (3') or
above seven feet (7') in height above street level.

Any free-standing sign located in any yard space abutting a public way or a private way at
the point where it intersects a public way shall be set back at least ten (10) feet from the
front lot line and at least twelve (12) feet from the side lot lines. Where an existing
principal building is located within fifteen (15) feet of the right-of-way of a public way, a
free-standing sign may be located no closer than two (2) feet from the right-of-way.

These sign regulations shall not apply to the following signs:

1. Legal notices, identification, informational or directional control signs erected or
required by a governmental entity; and

2. Signs that guide or direct traffic and parking on private property, but bear no
advertising or commercial identification.

K. Site Conditions

1. During construction, the site shall be maintained and left each day in a safe and
sanitary manner, and any condition that could lead to personal injury or property
damage, shall be immediately corrected by the developer upon an order by the
CEO or other authorized person. The developer shall make provision for
disposal of oil and grease from equipment, and the site area should be regularly
trained to control dust from construction activity; and

2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and
dying trees, roots and debris. Excess or scrap building materials shall be removed or
destroyed immediately upon the request of and to the satisfaction of the CEO.

L. Storm Water Management
All new construction and development shall be designed to minimize storm water
runoff from the site in excess of the natural predevelopment conditions. Storm
water runoff systems should be designed to facilitate aquifer recharge where it is
advantageous to compensate for groundwater withdrawals and infiltration, but
should avoid recharge where the groundwater effects may be harmful.

1. Where possible, existing natural runoff control features such as berms,
swales, terraces, and wooded areas shall be retained in order to reduce runoff.
The use of enclosed components (such as pipes, etc.) should be minimized where
natural systems are able to accommodate runoff.

2. Design of permanent storage facilities should consider safety, appearances,
recreational use, and the cost and effectiveness of maintenance operations in
addition to the primary storage function.
Section 4. (L.) Storm Water Management (continued)

3. Energy dissipaters and other forms of outfall protection shall be employed where enclosed drains discharge into soils subject to erosion.

4. Storm water management systems shall be maintained as necessary to insure that they function properly.

5. If the development will result an increased total flow of runoff that will be discharged into the municipal storm sewer system, the developer shall pay for the cost of improvements to the municipal system so that it will have the capacity to handle one hundred twenty five percent (125%) of the projected total flow. Payment shall be made within thirty (30) days of the date of approval of the application. No construction may commence on the project before this payment is made.

M. Wastewater Disposal
Every project shall comply with the following requirements for wastewater disposal.

1. Projects served by municipal sewers
   a. Any project that will dispose of its wastewater through the municipal sewer system, and that will use more that thirty three and one third percent (33-1/3%) of the excess capacity of any portion of the sewer collection system, treatment facility and/or its discharge permits, shall be approved only if the applicant pays the cost of replacing the excess capacity needed for the development. Payment shall be made within thirty (30) days of the date of approval of the application. No construction may commence on the project before this payment is made.

   b. All discharges into the system shall be in accordance with the Blue Hill Sewer Ordinance.

2. Projects served by subsurface wastewater systems
   Any project that will dispose of its wastewater through any subsurface wastewater system shall submit a completed DHHS Health Engineering site evaluation and subsurface wastewater disposal plan showing adequate soils, and adequate system design and capacity.

3. Subsurface wastewater systems in common ownership
   Where two or more buildings or lots in different ownership share a common subsurface wastewater disposal system, the system shall be owned and maintained in common by an owners’ association. Covenants shall be made in the deeds for each lot requiring membership in the association and providing adequate funding of the association to assure proper maintenance of the system.
Section 4. Performance Standards (continued)

N. Water Supply
1. The development shall be provided with a system of water supply that provides and adequate supply of water meeting the standards of the State of Maine for drinking water. Where groundwater pollution exceeds the Primary Drinking Water Standards, and the development is to be served by on-site ground water supplies, the applicant shall provide adequate evidence of the manner in which the water quality will be adequately improved or treated.

2. For major developments the applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for dry hydrants or ponds only upon the submittal of evidence that the soil types in the development will not permit their construction, or that a nearby water supply is available and adequate for firefighting purposes by the Fire Department.

Section 5. Site Plan Review

A. Purpose
The purpose of Site Plan Review is to promote the public health, safety and general welfare by requiring CEO or Planning Board review of plans for certain uses or structures which have a significant potential impact on the neighborhood or the environment by which, when properly designed with respect to their surroundings, can become uses or structures that are compatible with the neighborhood and environment.

B. Prohibition.
No activity or use requiring Site Plan Review shall commence until the property owner has received Site Plan Approval from the CEO or Planning Board, as appropriate, and complied with any other applicable provisions of this Ordinance.

C. Review Procedures
The procedures for Site Plan Review are as follows:

1. Submission of completed application to the CEO.
The applicant shall submit the requisite number of copies of the application and supporting information required by this Ordinance.

2. CEO classification and review
   a. Dated receipt
      The CEO shall issue the applicant a dated receipt and will date-stamp the application.

   b. Classification
      The CEO shall review the application and classify it as either a Major or Minor Development in accordance with the provisions of this Ordinance.
Section 5.(C.)(2.) CEO classification and review (continued)

c. Fees submitted
After classification, the applicant shall provide the CEO with the
applicable review fees.

d. Review for completeness.
The CEO shall initially review the application and determine whether or
not it is complete.

e. Notice of incomplete application.
If the application is found to be incomplete, the CEO shall, within ten (10) days,
notify the applicant in writing of the information needed to complete the
application. Upon the applicant’s submission of such additional information, the
process above shall be repeated.

3. Complete applications
If the application is found to be complete, the CEO shall take the following
action with regard to that application.

a. Minor Developments
Applications determined to be Minor Developments will be reviewed and
acted upon by the CEO in accordance with the procedures set forth
below, and the requirements of this Ordinance.

b. Major developments forwarded to the Planning Board.
The CEO shall forward copies of a complete application and supporting
documents determined to be Major Developments to the members of the
Planning Board and place the project on the agenda of the next regular
Planning Board meeting occurring not less that twenty-one (21) days
after the CEO determines the application is complete.

c. Notice to abutters
Abutting property owners shall be notified by mail by the Town of all
pending applications for Site Plan Review. For Minor Developments this
notice shall indicate the address to which written comment should be
sent, and the date by which it must be received to be considered by the
CEO in acting upon the application. For Major Developments this notice
shall indicate the date, time and place of Planning Board consideration of
the application.

4. Planning Board Review
At the meeting of the Planning Board at which the proposed development is
scheduled to be reviewed, the Planning Board shall:

a. CEO report
Hear any report of the CEO and if the Town has retained the services of a
professional adviser, the report of the adviser regarding the proposed
development;
Section 5.C.(4.) Planning Board Review (continued)

b. Applicant’s response
Hear any comments of the applicant regarding the CEO’s and Town Planner’s report;

c. Request for waivers
Hear any requests from the applicant for waivers;

d. Determination of completeness
Determine whether or not the application is complete;

e. Notice of incompleteness
If the application is determined to be incomplete, the Board shall inform the CEO of the information required to make the application complete. The CEO shall, within ten (10) days, inform the applicant, in writing, of the additional information required by the Planning Board. Upon the applicant’s submission of such additional material, previous steps in Section 5.C.(4.)(A-D) shall be repeated; and

f. Public hearing determination
If the application is determined to be complete, the Board shall deem the application pending and shall set the matter for a public hearing conducted by the Planning Board. The public hearing shall take place within thirty (30) days of the Planning Board’s determination that the application is complete. This deadline may be extended by mutual agreement of the Board and the applicant, either in writing or orally, on the record at a public meeting.

If the proposed development has been classified as a Minor Development such public hearing shall be held at the discretion of the CEO, and shall be conducted by the CEO.

5. Deliberation and decision
a. Deliberation
Within thirty (30) days after the public hearing on an application, or within thirty-five (35) days of a determination of completeness by the CEO, if no hearing is held, the permitting authority shall decide the matter. The Planning Board shall deliberate the matter at a public meeting. Site Plan Approval shall be granted if the proposed project complies with all applicable standards set forth in Section 4. and meets the Criteria of Approval set forth in Section 5.F.) This deadline may be extended by mutual agreement of the permitting authority and the applicant in writing, or (in the case of Major Developments) either in writing or orally, on the record at a public meeting.
Section 5.(C.)(5.) Deliberation and decision (continued)

b. Decision

If the permitting authority finds that the proposed Site Plan complies with all such standards it shall issue an order granting Site Plan Approval subject to such terms and conditions as the permitting authority finds are reasonably necessary to insure conformity with Site Plan Review Standards and criteria of this Ordinance.

If the permitting authority finds that the proposed Site Plan does not comply with all applicable review standards, it shall issue an order denying Site Plan Approval.

In either case the permitting authority shall, within ten (10) working days after the completion of its deliberations, issue specific written findings of fact supporting its decision.

The decision shall state any conditions of approval that apply to the project and the reason for the imposition of those conditions. A copy of the decision shall be sent to the applicant at the address provided on the application. Decisions by the CEO shall also be sent to any abutter who responded, in writing, to the notice sent by the CEO.

D. Public Hearing Procedures

Site Plan Review public hearings and notice thereof shall comply with the following procedures:

1. Published notice

Notice of said hearing shall be published in a newspaper of general circulation in the Town of Blue Hill at least ten (10) days prior to the hearing date.

2. Content of notice

Notice of said hearing shall identify the applicant and the property involved, describe the specific nature of the proposal, state the date, time and place of the hearing and explain how the recipient of the notice may attend and present evidence.

3. Rules

Said hearings shall be conducted according to rules adopted by the Planning Board.

4. Representation

At any hearing a party may be represented by an agent or attorney provided, however, if any party is not present, any person acting as that party’s agent or attorney shall provide evidence of such authority.

5. Continuation

Any hearing may be continued or recessed to another time for good cause, or upon written or recorded agreement of the permitting authority conducting the public hearing and the applicant.
Section 5. Site Plan Review (continued)

E. Professional Review

1. Additional studies
   The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.

2. Independent technical review
   The Planning Board may require that an independent consultant(s) review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project’s compliance or non-compliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include, but not be limited to:
   
   - An Attorney;
   - A Registered Professional Engineer;
   - A Registered Landscape Architect;
   - A Licensed Soil Scientist;
   - A Community Planner;
   - A Registered Architect;
   - A Registered Geologist;
   - A Registered Land Surveyor;

   or

   Any other Registered/Licensed Professional or Independent Expert Witness deemed fully qualified by the Planning Board.

   The consultant(s) selected shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost.

F. Failure to Act
   Failure of the permitting authority to act within any of the time requirements set forth herein shall constitute a denial of the application.

G. Expiration of Approvals
   All Site Plan Approvals shall expire unless work on the project is substantially commenced within twelve (12) months from the date of issuance. If work is not substantially completed within twenty-four (24) months from the date of issuance, a new application shall be required.

H. Other Permits
   The granting of Site Plan Approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. Such other required permits or approvals may include, but are not limited to building and plumbing permits, licenses granted pursuant to 38, M.R.S.A., Sub § 1022, Maine Department of Environmental Protection and United States Army Corps of Engineers’ approvals, subsurface wastewater disposal permits, sewer connection permits, Maine Department of Transportation approvals, and the like. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to site Plan review may be considered by the Planning Board as evidence as to the plan’s compliance with applicable review standards, but shall not be deemed conclusive evidence as to compliance. The written approval constitutes the Site Plan Review Permit for the project.
Section 5. Site Plan Review (continued)

I. Access to Site and Records
The CEO shall have reasonable access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project. The applicant, by accepting Site Plan Approval, waives any objection to the CEO having access to the site to review the progress of the work or to review all records and documents related to the project.

J. Site Plan Review Criteria
The permitting authority in reviewing projects requiring Site Plan Approval under this Ordinance shall make positive written conclusions and factual findings as to whether the applicant has submitted adequate evidence showing that:

1. Adequate provision has been made for off street parking and loading.

2. Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of and within the proposed project. The Planning Board shall consider traffic movement both on-site and off-site in making its determination under this criteria;

3. Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

4. That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems and/or any other adverse effects of inadequate drainage;

5. Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site;

6. Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.

7. Adequate provision has been made with regard to Buffers, Screening, Landscaping and the preservation and Enhancement of Significant natural features;

8. Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area including scenic areas designated in the Town’s most recent comprehensive Plan, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including identified deer wintering areas, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns;
Section 5.(J.) Site Plan Review Criteria (continued)

9. Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond, coastal wetland or river, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75') horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities and actual points of public access to waters;

10. Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.

11. Adequate provision has been made to avoid any undue burden on municipal services, including but not limited to water, fire, sewer and police services.

12. Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements; and

13. Adequate provision has been made to assure that the proposed development conforms in all respects with the provisions of this Ordinance.

K. Appeals
Any aggrieved person may appeal a decision to grant or deny a permit under this Ordinance, or the imposition of conditions of approval, to the Blue Hill Board of Appeals.

Section 6. Enforcement

A. Enforcement Authority
The CEO is authorized to enforce the provisions of this Ordinance, and to take legal action for enforcement at the direction of the Selectmen.

B. Violations
1. Any person who undertakes any land use listed in Section II. as requiring a Site Plan Review Permit, without first obtaining such permit, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.

2. Any person who, having received a Site Plan Permit, thereafter conducts the land use in such a manner contrary to any condition set forth in the site Plan Review Permit, or to the provisions of this Ordinance, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.

3. Every violation of this Ordinance may be prosecuted pursuant to 30-A M.R.S.A. § 4452.
Section 7. Definitions

**Abutter:** One whose property abuts, is contiguous, or joins at a border or boundary, including property across the street, road or way.

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

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

**Agricultural activities:** The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamentals and greenhouse products. Agriculture does not include uses for the processing of agricultural products for market or consumption such as slaughterhouses, packing plants or canneries.

**Attic:** That part of a building immediately below and wholly or partly within the roof framing.

**Basement:** Any portion of a structure with a floor to ceiling height of six (6) feet or more and having more than fifty per cent (50%) of its volume below the existing ground level.

**Building:** Any structure designed to shelter people, animals or property.

**Campground:** Any premises established for camping for which a fee is charged. Recreational vehicle parks are included in this definition.

**Campsite:** An area in a campground designed for use by a single recreational vehicle, tent or shelter.

**Coastal wetland:** All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

**CODE ENFORCEMENT OFFICER/CEO:** A person appointed by the municipal officers to administer and enforce this Ordinance.

**Commercial recreation facility:** Any commercial enterprise that provides recreational activities including, but not limited to, racquet ball clubs, health clubs, amusement parks and golf courses.
Section 7. Definitions (continued)

Commercial use: The use of lands, buildings, or structures, other than a "home occupation" defined below, the intent or result of which activity is the generation of revenue from the buying and selling of foods and/or services, exclusive of rental of single-family or duplex residential buildings. This definition includes non-profit organizations.

Dwelling:

a. Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single, two and multi-family dwellings.

b. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking, eating.

c. Dwelling, Two-Family: A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other. (Also referred to as a duplex.)

d. Dwelling, Multifamily: A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses (except where otherwise defined by State or Federal law) and row houses.

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

Enlargement or Expansion of Use: Any intensification of use in time, volume or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use. (from State of Maine Basic Land Use Model, Appendix A)

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Floodplain: Floodplains may be either riverine or inland depression areas. Riverine floodplains are those areas contiguous to a river, stream, or stream bed whose elevation is greater than the normal water pool elevation but equal to or lower than the projected one hundred (100) year flood elevation. Inland depression flood plains, not associated with a stream system, are low points to which surrounding lands drain.

Floor area: The sum of the horizontal surface areas of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Footprint: The outside perimeter of a structure at ground level.

Forest management activities: Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated silvicultural activities. Timber harvesting does not include the clearing of land for approved construction of roads. All activities are handled by the Maine Forest Service.
Section 7. Definitions (continued)

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

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

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

**Frontage, shore:** The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high water elevation.

**Great pond:** Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Height of a structure:** The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

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

**Impervious surface:** Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

**Loading area:** An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**Lot:** A parcel of land undivided by any street or public road.

**Lot coverage:** The maximum combined footprints of all principal and accessory buildings on a lot, divided by the area of such lot, the result expressed as a percentile. In the Shorland Area, lot coverage also includes all un-revegetated areas.
Section 7. Definitions (continued)

Lot line: A line bounding a lot that divides one lot from another, or from a street or any other public or private space, as defined below:

a. **Front lot line:** That lot line which separates the lot from the street or right-of-way. In the case of lots having frontage on more than one road or street, the front lot line shall be the lot line along which the lot takes access to a street.

b. **Rear lot line:** That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the rear lot line. In the case of lots having frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

c. **Side lot line:** Any lot line other than a front or rear lot line.

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

**NOTE:** Adjacent to tidal waters, setbacks are measured from the upland edge of the "coastal wetland." (see "Coastal Wetland")

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Permitting authority: The person or entity responsible for issuing a particular permit or approval under this Ordinance. The permitting authority will be either the CEO or the Planning Board.

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

Principal structure: A building other than one that is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use: A use other than one that is wholly incidental or accessory to another use on the same premises.

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

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

**NOTE:** The portion of a river that is subject to tidal action is a coastal wetland.
Section 7. Definitions (continued)

Road: A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.
   a. Private Road: A thoroughfare, or way designated for private use and maintained by a property owner or group of property owners.
   b. Public Road: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

Setback: The nearest horizontal distance from the normal high-water line or road right-of-way to the nearest part of a structure, parking space, or other regulated object or area.

Sign: Any structure, display, logo, device, or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place, and which is visible to the public. A sign does not include any flag, pennant or insignia of a nation, state, town or other political entity. Whenever dimensions of a sign are specified they shall include frames. Each visible sign face shall constitute a separate sign, except that a sign with two (2) faces shall be considered one (1) sign so long as the distance between the faces does not exceed twelve (12) inches. The area of both faces shall be combined in determining the total area of the sign.

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

Street: Any public way.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, poles, signs, sidewalks, driveways or parking lots. The term includes structures temporarily or permanently located, such as tents, decks, raised walkways, handicapped access ramps and satellite dishes.

Subdivision: All land use activities defined as a “Subdivision” in 30-A M.R.S.A. § 4401, and as it may be later amended, except for those leased dwelling units which are subject to review under the “Blue Hill Commercial Site Plan Review Ordinance”

Substantial completion or substantially completed: Completion of thirty percent (30%) of a permitted structure or use measured as a percentage of estimated total cost.
Section 7. Definitions (continued)

Tributary stream: Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" or “outlet stream” as defined elsewhere in this Ordinance or the Shoreland Zoning Ordinance and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

Upland edge: The boundary between upland and wetland.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one half (4-1/2) feet above ground.

Yard: The area of land not occupied by buildings.

a. Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

b. Rear Yard: The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

c. Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line.