

ZONING AND LAND USE CODE

TOWN OF LEEDS

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**TOWN OF LEEDS
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ARTICLE I

TOWN OF LEEDS

ZONING ORDINANCE

Adopted: December 14, 1991

Amended: March 6, 1993

Amended: June 5, 1999

Amended June 3, 2000

Amended: June 2, 2001

Amended: June 7, 2003

Amended: June 5, 2004

Amended: June 4, 2005

Amended: June 3, 2006

Amended: June 2, 2007

Amended: June 6, 2009

Amended: June 7, 2014

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ARTICLE I

TOWN OF LEEDS ZONING ORDINANCE

SECTION 1. General

A. Title

This Ordinance shall be known and cited as the Zoning Ordinance of the Town of Leeds, Maine, and will be referred to as "this Ordinance."

B. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of Title 30-A, M.R.S.A. Section 3001 (Home Rule) and the State's growth management law, Title 30-A, M.R.S.A. Section 4311 et.seq.

C. Purposes

The purposes of this Ordinance are:

1. To implement the provisions of the Town's comprehensive plan;
2. To promote the health, safety and general welfare of the residents of the community;
3. To encourage the most appropriate use of land throughout the community;
4. To promote traffic safety;
5. To provide safety from fire and other elements;
6. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life; and
7. To conserve natural resources.

D. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Leeds, exclusive of the land and water area subject to the Town's Shoreland Zoning Ordinance.

E. Conflicts 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.

F. Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

G. Effective Date

1. The effective date of this Ordinance shall be the date of the adoption by the legislative body on December 14, 1991.

H. Amendments

1. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
 - a. The Planning Board, provided a majority of the Board has so voted;
 - b. Request of the municipal officers; or
 - c. Written petition of at least 25 voters registered to vote in Leeds.
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 municipality at least ten (10) days prior to the hearing.
3. The Town Clerk shall forward to the Selectmen and Planning Board of adjacent communities of which a zoning amendment is proposed which is within 500 feet of a common town border at least ten days in advance of the public hearing. The adjacent community may provide verbal or written testimony.
4. Adoption of Amendment: An amendment of this Ordinance may be adopted by a majority vote of the Town Meeting.

5. Copies of amendments, attested and signed by the Town Clerk shall be submitted to the Office of Comprehensive Planning within 30 days after adoption.

I. Repeal of Existing Zoning Ordinance

Adoption of this Ordinance shall repeal the existing Zoning Ordinance for the Town of Leeds.

SECTION 2. Nonconformance

A. Purpose

It is the intent of these provisions to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B. General Requirements

1. Transfer of Ownership: Nonconforming structures, lots and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures. All repairs and alterations shall comply with the provisions of Section 3.E.
3. Rebuilding: If a nonconforming structure is destroyed by fire or act of God, it may be rebuilt provided the construction is commenced within one (1) year from date of destruction. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

C. Nonconforming Structures

1. Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion is conforming for height, setback and lot coverage. Lot coverage may not be expanded if it is already nonconforming.
2. Foundations: Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the completed foundation does not extend beyond the existing dimensions of the structure, and that the foundation does not cause the structure to be elevated by more than three additional feet.

D. Nonconforming Uses

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming uses may, after obtaining a permit from the Planning Board, be expanded within structures existing as of the effective date of this Ordinance, or on the effective date of a subsequent amendment that causes such use to be a nonconforming.
2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. In the case of a nonconforming residential use, such use may be renewed even if it has been discontinued for more than one year.
3. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the Planning Board finds after receiving a written application, that the proposed use is equally or more appropriate to the district than the existing nonconforming use, and that the proposed use will have no greater adverse impact on adjacent properties than the former use.

The determination of appropriateness shall include consideration of the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new nonconforming uses.

In determining that "no greater adverse impact" will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, natural beauty, floodplain management, archaeological and historic resources.

E. Nonconforming Lots

1. Nonconforming Lots: A vacant, nonconforming lot of record recorded on or before June 21, 1971, may be built upon without the need for a variance provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, contains a minimum of 40,000 sq.ft. and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this

Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots must be conveyed together.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the lots comply with applicable dimensional requirements contained in Section 3.F.

3. If two or more contiguous lots or parcels are in single or joint ownership as of the effective date of this Ordinance, and if any of these lots do not individually meet the dimensional requirement of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain(s) only an accessory structure, the lots shall be combined to the extent necessary to meet all dimensional standards. This paragraph is intended to apply to all lots whether shown on an approved and recorded plan or not. Corporations in which two or more directors are the same individual (or their spouses) shall be treated as the same corporation (i.e., as the same single or joint owner) for the purposes of this Ordinance.

F. Vested Rights

Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits or an application for required State permits and approvals. Such rights usually arise when actual construction has begun, or, in the case of pending applications, when the review process on a complete application commences. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits, both State and local.

SECTION 3. Land Use District Requirements

A. Purpose

The purposes of these district requirements are:

1. To implement the Comprehensive Plan policies;
2. To allow future growth to occur in designated portions of the community and to restrict growth in other areas;
3. To provide for separation of land uses that might otherwise be incompatible;
4. To protect the natural resources of the community from degradation; and
5. To provide for an orderly future growth pattern of the community.

B. Location of Districts

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Leeds, Maine", dated and on file at the Town Office. The Official Map shall be signed by the Town Clerk and Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

C. Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad rights-of-way, rivers or streams shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Where the boundaries of the Prime Agriculture District are in question, the Planning Board shall make the determination based upon the following criteria:
 - a. the area is an open field or within 100 feet of an open field;
 - b. the area includes woodlands or other land use that separate adjoining open fields or agricultural activities by less than 250 feet;
 - c. where the Prime Agriculture District is determined not apply the adjoining district regulations shall apply.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

D. Division of Lots by District Boundaries

Where a zoning district boundary line divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this code, the use regulations applicable to the one portion of the lot may be extended into the other portion of the lot by not more than fifty (50) feet provided that the other portion is not regulated by the Town of Leeds Shoreland Zoning Ordinance.

E. Land Uses

The land uses permitted in each district, in conformance with the Performance Standards of this Ordinance, are shown in the following tables.

KEY: Y = Yes¹
N = No, not permitted
Y^s = Permitted, but subject to Site Plan Review and the issuance of a building permit

¹No person, organization, association or corporation shall construct, alter or repair any building or structure or part thereof, or install a swimming pool within the Town of Leeds without having first filed a "Notice of Intention to Build, Alter or Repair" in the Assessor's Office. This notice will not be required for construction of less than \$2,000 on existing buildings, nor for any normal maintenance work such as painting, redecorating, etc., or ordinary upkeep of the building.

²Mobile home parks must comply with the Town of Leeds Subdivision Ordinance.

³In existing structures only.

⁴Automobile graveyards and junkyards legally existing in the Rural residential district on or before June 3, 2000, may continue and be expanded provided the provisions of this Ordinance are met except Section 2.D.1.

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
RESIDENTIAL						
Single-family dwelling	Y	Y	Y	Y	Y	N
Duplex	N	Y	Y	Y	Y	N
Multi-family dwelling	N	N	Y	Y	N	N
Manufactured Home	Y	Y	Y	Y	Y	N
Mobile Home Park ²	N	N	Y	N	N	N
Open Space Development	N	N	Y	Y	Y	N
Congregate Housing	N	N	Y ¹	Y	N	N
Accessory Structure	Y	Y	Y	Y	Y	N
Swimming Pool	Y	Y	Y	Y	Y	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	N
Uses Similar to Uses Requiring Site Plan Review	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	N
Uses Similar to Not Permitted	N	N	N	N	N	N

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
COMMERCIAL						
Accessory Structures	Y	Y	Y	Y	Y	N
Amusement Facility/ Commercial Recreation	Y ^s	Y ^s	N	N	N	N
Automobile Graveyard, Junkyard	Y ^s	Y ^s	N	N ⁴	N	N
Auto Body Shop	Y ^s	Y ^s	N	N	N	N
Auto Repair/Sales	Y ^s	Y ^s	N	N	N	N
Auto Car Wash	Y ^s	Y ^s	N	N	N	N
Bed & Breakfast	N	Y ^s	Y ^s	Y ^s	Y ^s	N
Building Materials - Retail Sales	Y ^s	Y ^s	N	Y ^s	N	N
Commercial School	N	Y ^s	N	N	N	N
Firewood Processing	Y ^s	Y ^s	N	Y ^s	N	N
Gasoline Service Station	Y ^s	Y ^s	N	N	N	N
Hotel/Motel	Y ^s	Y ^s	N	N	N	N
Indoor Theater	Y ^s	Y ^s	N	N	N	N
Kennel, Stable, Veterinary Hospital	Y ^s	Y ^s	N	Y ^s	Y ^s	N
Neighborhood Convenience Store	Y ^s	Y ^s	Y ^s	Y ^s	N	N
Offices: Business, Professional, Medical	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	N
Publishing, Printing	Y ^s	Y ^s	Y ^s	N	N	N
Radio/Television Tower	Y ^s	Y ^s	N	Y ^s	N	N
Restaurant	Y ^s	Y ^s	N	N	N	N
Retail Business	Y ^s	Y ^s	N	N	N	N
Service Business	Y ^s	Y ^s	N	N	N	N
Shopping Center	N	Y ^s	N	N	N	N
Wholesale Business	Y ^s	Y ^s	N	N	N	N
Campground	N	Y ^s	N	Y ^s	N	N
Funeral Home	N	Y ^s	Y ^s	N	N	N
Agricultural Related Services/Sales	Y ^s	Y ^s	N	Y ^s	Y ^s	N
Auction Barn/Antique Sales	Y ^s	Y ^s	N	Y ^s	Y ^s (in existing structures only)	N
Small Enterprise	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	Y ^s
Uses Similar to Uses Requiring Site Plan Review	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s
Uses Similar to Not Permitted	N	N	N	N	N	N

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
EDUCATION, INSTITUTIONAL, PUBLIC						
Accessory Structures	Y	Y	Y	Y	Y	N
Church, Synagogue, Parish House	N	Y ^s	Y ^s	Y ^s	N	N
Community Centers	N	Y ^s	Y ^s	Y ^s	N	N
Clubs	N	Y ^s	N	Y ^s	N	N
Day Care	N	Y ^s	Y ^s	Y ^s	N	N
Essential Services	Y	Y	Y	Y	Y	N
Fire, Police Stations	Y ^s	Y ^s	Y ^s	Y ^s	N	N
Government Office	Y ^s	Y ^s	Y ^s	Y ^s	N	N
Group Homes, Hospice, Nursing Home	N	Y ^s	Y ^s	Y ^s	N	N
Museum/Library	N	Y ^s	Y ^s	Y ^s	Y ^s 3	N
Public, Private Schools	N	Y ^s	Y ^s	Y ^s	N	N
Public Utility/Facility	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	N
Municipal Recycling	Y ^s	Y ^s	N	Y ^s	N	N
Clinics/Hospital	N	Y ^s	Y ^s	N	N	N
Private and Semi-public Clubs	N	Y ^s	Y ^s	Y ^s	N	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	Y
Uses Similar to Uses Requiring Site Plan Review	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s
Uses Similar to Permitted	N	N	N	N	N	N

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
INDUSTRIAL						
Accessory Structure	Y	Y	Y	Y	Y	N
Bulk Oil, Gas Terminal	Y ^s	Y ^s	N	N	N	N
Demolition, Waste Disposal	Y ^s	Y ^s	N	N	N	N
Manufacturing	Y ^s	Y ^s	N	N	N	N
Commercial Recycling Operations	Y ^s	Y ^s	N	N	N	N
Sawmill	Y ^s	N	N	Y ^s	N	N
Trucking, Distribution Terminal	Y ^s	Y ^s	N	N	N	N
Warehousing & Storage	Y ^s	Y ^s	N	N	N	N
Airport	Y ^s	N	N	Y ^s	N	N
Abattoirs	Y ^s	N	N	N	Y ^s	N
Bulk Grain Storage	Y ^s	Y ^s	N	N	Y ^s	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	N
Uses Similar to Uses Requiring Site Plan Review	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s
Uses Similar to Not Permitted	N	N	N	N	N	N

Use Structure	Industrial	Commercial	General Residential	Rural Residential	Prime Agriculture	Special Protection
OUTDOOR, RESOURCE BASED USES						
Accessory Structures	Y	Y	Y	Y	Y	N
Agriculture	Y	Y	Y	Y	Y	Y
Agriculture Products Processing and Storage	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	N
Farm Stands	Y	Y	Y ^s	Y	Y	N
Forestry	Y	Y	Y	Y	Y	Y
Campground	N	Y ^s	N	Y ^s	N	N
Cemetery	N	Y ^s	Y ^s	Y ^s	Y ^s	N
Quarries	N	N	N	N	N	N
Mineral Exploration	Y	Y	N	Y	N	N
Mineral Extraction	Y ^s	Y ^s	N	Y ^s	N	N
Golf Course	N	Y ^s	N	Y ^s	Y ^s	N
Parks & Recreation	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	N
Uses Similar to Allowed Uses	Y	Y	Y	Y	Y	Y
Uses Similar to Uses Required by Site Plan Review	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s	Y ^s
Uses Similar to Not Permitted	N	N	N	N	N	N

F. Dimensional Requirements (Amended 7 June 2003; Amended June 5, 2004)

Lots in all districts outside those areas regulated by the Town of Leeds Shoreland Zoning Ordinance shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this ordinance and the Town of Leeds Subdivision Ordinance). After the effective date of this ordinance no lot shall be created or reduced below the minimal requirements unless allowed by other provisions of this Ordinance.

Dimensions	Industrial	Commercial	General Residential	Rural Residential	Prime Agricultural
Minimum Lot Area (sq.ft.)	40,000 (1)	40,000 (1)	40,000	87,120	87,120
Multi-Unit Housing (2)	Not Permitted	Not Permitted	40,000	87,120	87,120
Minimum Frontage (feet)	150	150	150	150	150
Minimum Yard Dimensions (feet)					
Front Setback (from ROW)	50	50	25	25	25
Side Setback	25	25	25	25	25
Rear Setback	25	25	25	25	25
Maximum Lot Coverage (percent)	60	50	20	20	20
Height Limits (feet)	35	35	35	35	35
<p>(1) Permitted residential uses shall have a minimum lot area of 87,120 sq. ft.</p> <p>(2) Minimum zone dimension plus the required land area per dwelling unit over two.</p> <p>Minimum Lot Area per mobile home in mobile home parks shall comply with the Town of Leeds Subdivision Ordinance.</p>					

NOTES TO DIMENSIONAL REQUIREMENTS TABLE:

1. At the discretion of the Planning Board and with permission from the railroad, setback requirements from the railroad right-of-way may be adjusted by the Planning Board.
2. Lot Size Calculation. All lots created after the effective date of this Ordinance shall comply with the "Net Residential Acreage Calculation" standard contained in Article 1 Section 3, G of this Ordinance.
3. Required Frontage: Effective 7 June 2003, all lots hereinafter created shall possess a minimum frontage on one boundary of:
 - (1) OPEN State or Town street
 - (2) Privately owned street which complies with the Town of Leeds Street Construction Ordinance and approved by the Planning Board.
4. Cul-de-sac Frontage: New building lots located at the cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.
5. Front Setback: The minimum front setback along a public road, privately-owned road or common driveway shall be measured from the edge of

the right-of-way line, according to the above table. The depth of any yard abutting a public road shall conform to the front setback.

6. Multiple Structures: If more than one principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each principal structure, and each principal structure shall meet the front, side and rear setback and road frontage requirements. Each principal structure shall be designed its own lot.
7. Parking Areas: Parking areas shall not be located within any required front setback area but may be located within ten feet of the side or rear lot lines.
8. Setback Measurements: All setbacks shall be measured from the property line to the nearest part of the building.
9. Garages, Accessory Structures: No garage or other accessory building shall be located in the required setbacks except as permitted below: When located to the rear of the principal building, accessory buildings no larger than 150 sq.ft. in floor area may be located within the required side or rear setbacks provided that no such structure shall be located less than 6 feet from a side or rear lot line.
10. Corner Lots: The front setback requirement shall be observed along all roads abutting the lot.
11. Corner Lot Obstructions: All corner lots shall be kept free from visual obstruction for a distance of 25 feet measured along the street lines.
12. Height Limits of 35 feet may be exceeded for structures not intended for human habitation upon review and approval of the Fire Chief.
13. Minimum Lot Width: Effective 7 June 2003, a circle with a diameter that is equal to the minimum road frontage must be able to fit within the lot lines.
14. Wells: Effective 7 June 2003, no new private wells will be placed within 100 feet of a field or pasture in agricultural use. This prohibition does not include a private well that serves the owner of that field or pasture. Effective 7 June 2003, no new public wells will be placed within 300 feet of the property line of a field or pasture in agricultural use. (Amended June 5, 2004)

G. Net Residential Acreage Calculation (Amended 7 June 2003)

To determine the maximum number of dwelling units permitted when a tract of land is to be divided, the net residential acreage shall be calculated by taking the total area of the tract and subtracting the following then dividing the remaining area by the minimum lot size required for the District.

1. Portions of the lot shown to be in the 100 year floodplain as designated in the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency;

2. Significant wildlife habitats as identified by the Maine Department of Inland Fisheries and Wildlife; and
3. Wetlands regulated by the Natural Resource Protection Act.
4. Portions of the lot covered by right-of-ways for privately owned streets, common driveways or driveways to backlots.

SECTION 4. Performance Standards

A. Backlots

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

1. If a backlot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:
 - a. The right-of-way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the backlot and be a minimum of 50 feet in width.
 - b. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the backlot.
 - c. The right-of-way deed or other legal instrument must be recorded in the Androscoggin County Registry of Deeds before a building permit is issued.
 - d. Creation of 50 foot right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, of, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
 - e. The right-of-way may serve only one single-family dwelling unless the following provisions are met:
 1. The right-of-way may serve two single-family dwellings if a driveway meeting the standards contained in Section 8. of the Town of Leeds Street Construction Ordinance are met.

2. The right-of-way may serve more than two dwellings provided the applicable provisions of the Town of Leeds Street Construction Ordinance are complied with.
- f. No more than one right-of-way for backlot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least 150 feet of frontage on a public or privately owned road frontage, and the center lines of the rights-of-way entrances are at least 200 feet apart.
- g. Backlots legally recorded on or before June 21, 1971, served by a deeded right-of-way legally recorded on or before June 21, 1971, shall be exempt from the minimum right-of-way requirements.
- h. The shortest distance between the backlot and street shall be at least 250 feet.

B. Backlots may be developed for industrial/commercial uses although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions.

1. The right-of-way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the backlot and be a minimum of 80 feet in width.
2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the backlot.
3. The right-of-way deed or other legal instrument must be recorded in the Androscoggin County Registry of Deeds before a building permit is issued.
4. Creation of an 80 foot right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
5. The shortest distance between the backlot and the road shall be at least 250 feet.

C. Apartment Conversions

1. Purpose: The purpose of these standards are to provide less expensive rental units to the housing stock; make housing units available to lower income households who might otherwise have difficulty finding housing in Leeds and to protect property values and traditional residential

characteristics.

2. General Requirements: The conversion of existing residences which otherwise would not meet dimensional requirements and/or parking requirements to multiple unit housing may be allowed by a permit granted by the Code Enforcement Officer, provided that the following are met:
 - a. Such conversion shall not create more than two dwelling units in any structure.
 - b. The converted apartments shall be designed so that the appearance of the building remains that of a single-family dwelling, with the exception of a second floor emergency egress.
 - c. The design of the apartment conforms to all applicable standards in the building and other codes.
 - d. Adequate off-street parking shall be provided.
 - e. Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the apartments.
 - f. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

D. Recreation Vehicles

One recreation vehicle on a lot upon which a permanent residential dwelling is located is permitted provided the following conditions are met:

1. The recreation vehicle shall not be placed and occupied for more than 30 days within any 12 month period. The recreation vehicle may be allowed to be placed and occupied for more than 30 days upon written approval of the Code Enforcement Officer. The Code Enforcement Officer in granting any approval shall consider the need to occupy the recreational vehicle for more than 30 days and that healthful sanitary conditions are maintained.
2. The placement of the recreation vehicle on any lot shall meet all setback requirements.
3. The recreational vehicle shall not be temporarily or permanently connected to any type of subsurface waste disposal system.
4. The recreational vehicle shall not be located on any type of foundation.
5. No structure(s) of any kind shall be attached to the recreational vehicle.

These provisions do not restrict the placement for unoccupied storage of

recreation vehicles adjacent to a primary residence.

E. Water Quality Protection

No materials of any kind shall be permanently or temporarily placed or deposited directly into or in the floodplains of any river or stream, lake, pond or on the ice thereof where such material may fall or otherwise find its way into said watercourses, nor shall such material be placed or deposited directly in pits, wells or on the ground surface in such a manner that would cause water quality degradation. Such activities shall be in conformity with applicable local, state and federal laws.

F. Sanitary Provisions

1. The approval of building permit applications shall be subject to the presentation of a completed Maine Department of Human Services Bureau of Health Engineering site evaluation form (HHE-200) which evidences adequate soil conditions for subsurface wastewater disposal.
2. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

G. Buffer Strips

The purpose of buffer strips is to separate and partially obstruct the view of one or more land uses or properties from one another. In addition, buffer strips can be used to minimize the noise of different land uses.

No industrial or commercial uses may be erected or any new use permitted unless a buffer strip at least 75 feet wide is provided and maintained between any adjoining residential district or use and the industrial or commercial structure or use.

1. Natural Features: The side and rear yards abutting residential districts shall maintain the district boundary in its natural state to provide a buffer of at least the setback distance.
2. Landscaping: When natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, the developer shall provide a landscaped area at least 30 feet wide. Where such landscaping is not feasible, as determined by the Planning Board, the developer shall provide a fence at least 6 feet high between the adjoining residential district and the non-residential use.

3. Effect of Buffering: Natural features, landscaping or, if necessary, fencing or screening, should be expected to obstruct the view of the proposed development from abutting properties.
4. Fencing and Screening: Fencing and screening, when necessary, shall be properly maintained and located or constructed in such a manner that it can be maintained from the developer's property.

H. Access to Property

Each dwelling, commercial, industrial, educational, institutional or public structure shall be provided with vehicular access to the property by abutting public, privately owned, or common driveways as defined in the Town of Leeds Street Construction Ordinance.

I. Campgrounds

Campgrounds shall require Site Plan Review, conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of 5,000 sq.ft. of land, not including roads and driveways, for each site. Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in calculating land area per site.

J. Swimming Pools

1. Swimming pools installed after the effective date of this Ordinance shall require a permit issued by the Code Enforcement Officer.
2. All swimming pools shall meet setback requirements for the district they are to be located in.
3. Enclosures of swimming pools shall comply with the provisions of Title 22, M.R.S.A. Section 1632.

K. Parking Areas

1. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body and, where feasible, to retain all runoff on-site.
2. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately 10 feet wide and 20 feet long.

- b. Internal travel aisles: Approximately 20 feet wide
3. Parking areas for commercial and industrial use shall not be located in the required front setback areas.

L. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance not associated with normal agricultural activities within 50 yards of the Androscoggin and Dead Rivers and Androscoggin Lake and other waterbodies as determined by the Board shall provide the Board with a statement of potential impacts upon archaeological sites. A two phase archaeological assessment shall be undertaken prior to the issuance of permits. The applicant shall submit to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the permitting authority, the proposed activity. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application and determine if a detailed archaeological (Phase II) survey is warranted.

M. Density Bonus Field Preservation

1. Purpose: To aid in the implementation of Leeds Comprehensive Plan, provide farmland owners with development opportunities, discourage traditional subdivision development on farmlands, and to maintain the valued feeling of open space and farmland special incentives and controls are provided for residential development which takes place on lands other than open fields. Notwithstanding provisions of this Ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design to accordance with the following guidelines. This shall not be construed as granting variances.
2. Basic Requirements: The Planning Board in reviewing and approving residential development proposal in the Rural Residential and Prime Agricultural Districts containing at least 5 acres of land which includes open fields may modify the minimum requirements of lot area, lot width, road frontage and yard space which would otherwise apply pursuant to existing ordinances provided the following standards are met:
 - a. Density Bonus. A density bonus in the form of a one dwelling unit per 40,000 sq.ft. of land suitable for development rather than the required 87,120 sq.ft. may be allowed if development takes place off open fields and 40,000 sq.ft. of open fields per dwelling unit is dedicated to permanent open space through a conservation easement or other approved method readily usable for agriculture or conservation.

- b. Dedication of Open Space.
 - 1) If the owner provides for a conservation easement, it shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for agriculture or conservation. However, easements for public utilities or structures accessory to agriculture or conservation, may be permitted.
 - 2) The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
 - a) the open space shall not be used for future building lots; and
 - b) a part or all of the open space may be dedicated for acceptance by the town.
 - 3) If any or all of the open space is to be reserved for use by the residents, the bylaws of the proposed homeowner's association shall specify maintenance responsibilities and that the land shall be used only for agriculture or conservation and shall be submitted to the Board prior to approval.
 - 4) Covenants for mandatory membership in the association, setting forth the owners' rights and interest and privileges in the association and the common land, shall be reviewed by the Board and included in the deed for each lot.
 - 5) This homeowner's association shall have the responsibility of maintaining the open space(s).
 - 6) The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space and town assessments.
- c. The density bonus provided for in this section shall not be further increased by the Open Space Development Standards contain in the Town of Leeds Subdivision Ordinance.

SECTION 5. Site Plan Review

A. Purpose

The purposes of site plan review are:

1. To provide a level of municipal review that would not otherwise occur of projects that potentially could impact the community;
2. To promote and protect the health, welfare and safety of the residents of the Town of Leeds;
3. To provide local protection from those particular nuisances which are not governed by State law or regulation;
4. To balance the rights of landowners to use their land with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, storm water runoff or the pollution of ground or surface waters; and
5. To reduce the off-site (external problems created by development) thereby decreasing the cost of maintaining or improving municipal services.

B. Applicability

1. Site plan approval by the Planning Board in conformity with the criteria and standards of this section shall be required for the following:
 - a. Uses in each district which require site plan approval as identified in Section 3.E.
 - b. A change in use when the new use is subject to site plan review.
 - c. Expansions of nonconforming structures and uses as defined in Sections 2.C.1. and 2.D.1. and 3.
 - d. The placement of above ground fuel storage tank(s) which contain 1,000 gallons in total or in combination.
 - e. Sand and gravel pits established after the effective date of this Ordinance.
2. Site plan approval is not required for the following:
 - a. Construction of detached single-family and two-family dwellings and customary outbuildings for the use of the residents thereof.

- b. Subdivisions as defined by Title 30-A, M.R.S.A. Section 4953 and the Town of Leeds' Subdivision Ordinance.
- c. The normal and customary practices involved in the growing and harvesting of field crops and timber.
- d. Sand and gravel pits approved or established prior to the effective date of this Ordinance.

C. Classification of Projects

Projects subject to site plan review shall be divided into two classes, minor developments and major developments.

Minor developments shall include those projects involving the construction or addition of less than 5,000 sq.ft. of gross nonresidential floor area, and/or projects involving the installation of less than 5,000 sq.ft. of impervious surfaces, or projects involving the conversion of existing buildings or structures from one use to another use which requires site plan approval.

Major developments shall include projects involving the construction or addition of 5,000 or more square feet of gross nonresidential floor area, and/or projects involving the installation of more than 5,000 sq.ft. of impervious surfaces, projects involving the establishment or expansion of a campground or other projects requiring review which are not classified as a minor development.

The Planning Board shall classify each project as a minor or major development. If the applicant is uncertain as to the classification of the project, he/she may request a determination.

D. Administration

1. Agenda. In order to avoid unnecessary delays in processing applications for site plan review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.
2. Preapplication Meeting. Applicants are encouraged to schedule a meeting with the Board prior to formal submission for review, to present a sketch plan and make a verbal presentation regarding the site and the proposed project.

- a. Submission. The Preapplication Sketch Plan should show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.
- b. The Board may waive the requirement of the preapplication meeting, contours and on-site inspection when it finds that the proposed development activity is of such scale and intensity that a thorough review can be conducted without the preapplication meeting.
- c. Contour Interval and On-Site Inspection. Within 30 days, the Board shall determine and inform the applicant, in writing, of the required contour interval on the site plan, and determine whether or not to hold an on-site inspection of the property at this phase.
- d. Ownership Interest. The developer will furnish written evidence showing his interest (option, contract for sale, etc.) in the property to be developed to the Planning Board and the status of property tax payment.

3. Application Procedure

- a. Applications in Writing. All applications for site plan approval shall be made in writing to the Board on the forms provided for this purpose.

All applications shall be made by the owner of the property or his agent, as designated in writing by the owner.

- b. Fees. An application for site plan approval shall be accompanied by a fee of \$25 plus \$10 per 2,000 sq.ft. or portion thereof of gross floor area. 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.
- c. Planning Board Agenda. Applicants shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a Board meeting, but who are not on the agenda, may be heard but only after all agenda items have been completed and then only if a majority of the Board so votes.

- d. Development Plan. A Development Plan meeting the standards of this Ordinance shall be submitted to and reviewed by the Board, and shall be approved by the Board before any building permit may be issued. In the case of proposed resumptions of uses which have been discontinued for at least one year, Board approval shall be required before such uses may be resumed for a one year time period.

The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the Development Plan. The Board shall provide the applicant a dated receipt of a Site Plan Review application at the Board meeting where the application is first present and heard by the Board.

Within 30 days of receipt of a Site Plan Review application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Board shall determine whether to hold a public hearing on the Site Plan Review application.

If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least 7 days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed development 7 days prior to the hearing by the Town of Leeds.

Within 30 days of a public hearing, or within 60 days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application and approve, approve with conditions, or deny the development plan. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

- e. Professional Review. If the services of outside consulting engineers are required by the Board to assist in review of the plan, the Board shall notify the applicant of the nature of services, the firm or individual selected and the estimated cost of the services. The costs of such services shall be paid by the applicant and evidence of such payment furnished to the Planning Board before the final plans for the project will be approved.
- f. Additional Studies. The Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

- g. Notice to Abutters. Abutting property owners shall be notified by mail, by the applicant, of a pending application for site plan review. This notice shall indicate the time, date and place of Board consideration of the application. The applicant shall show proof that the abutting property owners were notified.
- h. Financial Guarantee. Prior to final approval or any site plan review application, the Board may require the posting, of a bond or escrow agreement in such amount as is approved by the Board. This amount shall be sufficient to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Board and Town Selectmen. The Town shall have access to the site at all times to review the progress of the work.
- i. Conditions. The Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards and criteria of this Ordinance.
- j. Expiration of Approvals. All Site Plan Review approvals shall expire within one (1) year of the date of issuance unless work thereunder is commenced. If work is not completed within two years from the date of issuance, a new application must be made. There will be no additional charge.

E. Site Plan Review Application Requirements

Applications for all Site Plan Reviews (major and minor developments) shall be submitted on application forms provided by the Town. The completed application form, required fees and the required plans and related information shall be submitted to the Board no less than one week prior to the meeting.

In addition, one copy of the plan(s) and all accompanying information shall be mailed to each Board member by the applicant no less than one week prior to the meeting.

The submission shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for Site Plan Review.
2. The Development Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Town Office. Space shall be provided on the Development Plan for the signatures of the Board and date with the following words. Approved: Town of Leeds Planning Board
3. The applicant shall provide the Public Works Director and Fire Chief with an application and development plan. The applicant shall provide the Board with these officials' written comments upon the adequacy of their department's existing capacities to service the proposed development.

4. General information

- a. Name of owner of record and address and applicant's name and address, if different;
- b. The name of the proposed development;
- c. Names and addresses of all property owners within 500 feet of the edge of the property line;
- d. Sketch map showing general location of the site within the Town;
- e. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
- f. The tax map and lot number of the parcel or parcels;
- g. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant and status of property tax payment; and
- h. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional, if any, who prepared the plan.

5. Existing Conditions

- a. Zoning classification(s) of the property and the location of zoning district boundaries, if the property is located in two or more zoning districts or abuts a different district;
- b. The bearings and distances of all property lines of the property to be developed and the source of this information;
- c. Location and size of any existing sewer and water systems, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- d. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development;
- e. The location, dimensions and ground floor elevations of all existing buildings on the site;
- f. The location and dimensions of existing driveways, streets and parking and loading areas and walkways on the site;

- g. Location of intersecting roads or driveways within 200 feet of the site;
- h. The location of open drainage courses, wetlands, stands of trees and significant wildlife habitat, known or potential archaeological resource, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered, other important natural features, with a description of how such features will be maintained or impacts upon them minimized;
- i. The direction of existing surface water drainage across the site;
- j. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;
- k. The location, front view and dimensions of existing and proposed signs; and
- l. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

6. Proposed Development Activity

- a. The location and dimensions of all proposed buildings and structures.
- b. All existing and proposed setback dimensions.
- c. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus and signs.
- d. The type, size and location of all incineration devices.
- e. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.
- f. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system.
- g. The type of water supply to be used.
- h. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- i. Proposed landscaping and buffering.

- j. Copies of applicable State approvals and permits, provided however that the Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.
 - k. A schedule of construction including anticipated beginning and completion dates.
7. Applications for major developments shall include the following additional information:
- a. Existing and proposed topography of the site at two foot contour intervals or such other interval as the Planning Board may determine.
 - b. A storm water drainage and erosion control plan showing:
 - 1) the existing and proposed method of handling storm water runoff;
 - 2) the direction of flow of the run-off through the use of arrows;
 - 3) the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers;
 - 4) engineering calculations used to determine drainage requirements based upon the 25 year, 24 hour storm frequency, if the project will significant alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed;
 - 5) methods of controlling erosion and sedimentation during and after construction.

A ground water impact analysis prepared by a ground water hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons per day.
 - c. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
 - d. A planting schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs and other plants to be planted on the site.
8. Traffic Data. A development plan may be required to have an accompanying traffic engineering study. Should a traffic study requested by the Board, the following data shall be included:

- a. The estimated peak-hour traffic to be generated by the proposal.
- b. Existing traffic counts and volumes on surrounding roads.
- c. Traffic accident data covering a recent three-year period.
- d. The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
- e. The need for traffic signals and signs or other directional markers to regulate anticipated traffic.

9. Other Information

- a. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
- b. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- c. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.
- d. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
- e. Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.
- f. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.

10. Submission Waivers. Where the Board makes written findings of fact that there are special circumstances of a particular application, it may waive

portions of the submission requirements, unless otherwise indicated in this Ordinance, provided the applicant has demonstrated that the standards of this Ordinance have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan and Zoning Ordinance.

F. General Review Standards

The following criteria and standards shall be utilized by the Board in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention and innovation. The Board may waive the criteria presented in this section upon a determination by the Board that the criteria are not applicable to the proposed action or upon a determination by the Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Board shall approve the site plan unless the Site Plan Review does not meet the intent of one or more of the following criteria provided that the criteria were not first waived by the Board.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted 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 in order to enhance the physical design of the building(s) or site and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas such as significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing and potential archaeological sites and unique natural features will be maintained and preserved to the maximum extent as deemed by the Board. Natural drainage areas will be preserved to the maximum extent as deemed by the Board.

2. Relation of Proposed Buildings to Environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures, so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and neighboring areas including historic buildings and sites. The Board shall assess the proposed structures impact upon identified scenic sites and views. Where the Board finds that the proposed structures would have an undue adverse effect on scenic sites and views, the Board shall require the development to minimize such effects including the use of scenic easements.

3. Vehicular Access. The proposed development shall provide safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to site distances, intersections, schools and other traffic generations. "Curbcuts" shall be limited to the minimum width necessary for safe entering and existing. Where common access is not provided, a single lot shall be limited to two "curbcuts." The proposed development shall not have an unreasonable negative impact on the Town's road system. When an unreasonable negative impact to the Town's road system would occur the Board may require as a condition of an approval that the applicant undertake road improvements. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances between 10 and 15 feet behind the curbline or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

Posted Speed Limit	Sight Distance
25 mph	250'
30 mph	300'
35 mph	350'
40 mph	400'
45 mph	450'
50 mph	500'
55 mph	550'

4. Internal Vehicular
 - a. Circulation and Parking. The proposed development shall provide safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.
 - b. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged.
 - c. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.
 - d. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall prohibit vehicles from backing out onto a street.

5. Conservation, Erosion and Sediment Control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval.
- a. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - b. Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
 - c. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 - d. Disturbed soils shall be stabilized as quickly as practical.
 - e. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 - f. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 - g. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 - h. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.
 - i. Any activity on a stream, watercourse or swale or upon a floodway or right-of-way shall comply with the State's Natural Resources Protection Act, Title 38, M.R.S.A., Sections 480A-480S. 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.
 - j. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

6. Site Conditions
 - a. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site area shall be regularly sprayed with an environmentally safe product to control dust from construction activity.
 - b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.
 - c. No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved Site Review Plan.
7. Advertising Features. The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. Signs in non-commercial zones shall be designed so as not to detract from the residential character of the zone and shall conform to the criteria for signs in the small enterprise section of the Ordinance (Sec. 5.F.4.c.1.). Portable signs in non-commercial zones may be used for no more than three (3) months during any one calendar year. Portable signs shall be located so as not to obscure drivers' visibility.
8. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
9. Exterior Lighting. All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.
10. Emergency Vehicle Access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.
11. Municipal Services. The development will not have an unreasonable adverse impact on the municipal services including municipal road

systems, fire department, emergency medical unit, solid waste program, schools, open spaces, recreational programs and facilities and other municipal services and facilities.

12. Surface Water. The proposed activity will not result in undue surface water pollution. In making this determination, the Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents.

13. Phosphorus Export. When a proposed development is within the direct watershed of Androscoggin Lake and Allen, Little Sabattus, Bonny, Sabattus and Island Ponds, the phosphorus export from development shall be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection using the data provided by that Department and those in the table below, as revised from time to time by the Board to reflect any changes in the data or methods of computation promulgated by the Department of Environmental Protection. Notice of the revision of such standards by the Board shall be given by publication in a newspaper having general circulation in the Town of Leeds and by posting the same at the Town Hall. A copy of any such revised standards shall be on file with the Town Clerk.

PHOSPHOROUS			
Watershed	Lake Protection Level	lbs/ppb	Allowable Per Acre Phosphorous Load (lbs/acre/year)¹
Androscoggin Lake	Medium	128.6	0.193
Sabattus	Medium	25.7	0.027
Allen	Medium	0.088	0.055
Little Sabattus	Low	4.6	0.105
Bonny	Low	1.1	0.098

Source: Androscoggin Valley Council of Governments

¹Per acre phosphorous allocation - amount of phosphorous each developed acre is allowed to export (lbs/acre/year)

14. Ground Water. The proposed development shall not result in undue affect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas, the nature of the proposed development and its potential threat to ground water resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.
 - a. The use will not increase the contaminant concentration in the ground water to more than 80% of the State's Primary Drinking Water Standard or Secondary Drinking Water Standard. The use will not decrease the quantity of ground water available on nearby properties below that needed to support existing uses, potential expansions of existing uses or allowable uses.
 - b. For above ground fuel storage, as defined in Section 5.B.1.d., and chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain the total volume of fuel tanks and piping; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Board.
 - c. Underground petroleum tanks shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.
15. Air Pollution. The proposed development shall not create an emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable federal and State regulations.
16. Odor. The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.
17. Noise. The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.
 - a. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute
(leq 1) (measured in dB(a) scale)

7 a.m.-10 p.m. 10 p.m.-7 a.m.

Residential	55	45
Commercial	65	55
Industrial	70	60

- b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI SI 4-1961) "American Standard Specification for General Purpose Sound Level Meters."
 - c. The following uses and activities shall be exempt from the sound pressure level regulations:
 - 1) Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
 - 2) The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.
 - 3) Traffic noise on public roads or railroads.
18. Sewage Disposal. The development shall provide for a suitable sewage disposal.
- a. All individual on-site systems will be designed by a licensed soil evaluate in full compliance with the Maine Subsurface Wastewater Disposal Rules. Upon the recommendation of the Local Plumbing Inspector, the Board may require the location on the individual lots of reserved areas for replacement systems.
19. Waste Disposal. The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
- a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - b. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
20. Setbacks and Screening. The proposed development will provide adequate setbacks and screening. In addition to the setbacks required by this Ordinance, the Board shall consider the following:

- a. Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal of any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties (such as a stockade fence or a dense evergreen hedge 6 feet or more in height). Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.
21. Financial and Technical Capacity. The applicant has adequate financial and technical capacity to meet these standards.
 22. Comprehensive Plan. Is in conformance with the Comprehensive Plan.

G. Specific Standards (Amended 7 June 2003)

1. Sand and Gravel Pits
 - a. Any gravel pit which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall obtain written approval from the Department of Environmental Protection in addition to approval by the Board under the Site Plan Review procedures of this Ordinance. Site Plan Review approval by the Board shall be conditioned upon State approval.
 - b. A sand and gravel pit operation which will remove more than 5,000 cu.yds. of product within any 12-month period will require a permit from the Board. In addition to the submission requirement contained in Section 5.E., the following will be submitted.
 1. The existing and proposed limits of excavation clearly delineated.
 2. Location, function and ground area of all structures, facilities, parking lots, roads, and mud run-off areas.
 3. The phases of excavation and reclamation.
 4. Entrance and exit layout.
 5. Gates or other means for controlling access.
 6. Pre- and post-development topography using an interval of no greater than 5 foot contours.
 7. Surface drainage and watersheds on parcel, pre- and post-excavation.

8. Location of topsoil stockpile areas.
9. Areas where natural vegetation will be left and where plantings will be made to screen the operation from view.
10. Slopes and vegetation for protecting adjacent structures.
11. Location of any test pits or borings and observation wells documenting the seasonal high water table.
12. At least one cross section along the long axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including maximum depth of elevation, depth to ground water and the stratigraphy of the surficial deposits at the site.
13. Proposed disposal method of stumps and grubblings.
14. Plans and schedule for reclamation.

c. Review Criteria and Standards

1. A buffer strip of not less than 100 feet shall be maintained between the location of any extraction of materials and all property lines. This buffer strip may be reduced to 25 feet with written consent from abutting property owners and Board approval.
2. The average slope of and cut bank measured from a point located 10 feet from the buffer strip to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition.
3. All petroleum products shall be kept out of the pit and no refueling or oil changes shall be conducted in the pit unless such activities comply with applicable standards promulgated by the Maine Department of Environmental Protection.
4. There shall be no storage or dumping on the pit of any substances that could produce harmful leachate, unless such substances are placed under cover and on impermeable, spill-proof base. Such potentially deleterious substances include, but are not limited to salt, rubbish, creosoted timber and petroleum products.

5. No oiling of access and haul roads is permitted.
6. No gravel shall be excavated below a position that is 2 feet above the seasonally high water table without approval of the Maine Department of Environmental Protection and the Board.
7. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.
8. Access to the pit shall be strictly controlled.
9. Reclamation of the pit shall not be made with any substance that could either have a deleterious leachate or create an impermeable base.
10. Stumps and grubblings shall be disposed of in a manner approved by the Board.
11. Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to collector and arterial streets unless otherwise specified by the Board.
12. Upon cessation of the extraction of materials or upon the expiration of the Board approval, the site shall be rehabilitated in accordance with a plan.

2. Ground Water Protection

- a. In addition to the standards contained in Sections 5.E. and 5.F., the following standards shall be utilized by the Board for reviewing development applications located on a mapped sand and gravel aquifer.
- b. The boundaries of sand and gravel aquifers shall be as delineated on the Sand and Gravel Map prepared by the Maine Geological Survey labeled Map 16 and identified as Open-File Report No. 85-82d, Plate 3 of 5.
- c. When the boundaries of the sand and gravel aquifer are disputed due to lack of sufficient detail on available maps, the landowner or agent may submit hydrogeologic evidence to support the claim. The evidence shall be prepared by a geologist, certified in the State of Maine.

- d. Hydrogeologic Study. Based on the size, location, nature of products to be utilized and/or stored that carry a threat to ground water quality surrounding uses or other characteristics of the proposed use or site to determine compliance with the requirements of this section and the water quality criteria of the Site Plan Review, the Board may require submittal by the applicant of a hydrogeologic impact study. The impact study shall be prepared by a State of Maine Certified Geologist with experience in hydrogeology. The study shall contain the following components unless waived by a specific vote of the Board.
- 1) A map showing: (1) soil types; (2) surficial geology on the property; (3) the recommended sites for individual subsurface waste water disposal systems and wells in the development; and (4) direction of ground water flow. (The Board expects the detail of this study to vary with the intensity of the development.)
 - 2) The relationship of surface drainage conditions to ground water conditions.
 - 3) Documentation of existing ground water quality for the site.
 - 4) A nitrate nitrogen analysis or other contaminant analysis as applicable including calculation of levels of the property line(s) and well(s) on the property.
 - 5) A statement indicating the potential sources of contamination to ground water from the proposed use and recommendations on the best technologies to reduce the risks.
 - 6) For water intensive uses, analysis of the effects of aquifer drawdown on the quantity and quality of water available for other water supplies or potential water supplies.
 - 7) The Board may require installation and regular sampling of water quality monitoring wells for any use or proposed use deemed to be a significant actual or potential source of pollutants or excessive drawdown. The number, location and depth of monitoring wells shall be determined as part of the Hydrogeologic Study, and wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Water quality sample results from monitoring wells shall be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standard for pollution levels.

- 8) A list of assumptions made to produce the required information.
3. Conditions/Standards. In addition to the standards contained in Sections 6.F. and 6.G., the following standards shall be met:
 - a. No use including small enterprises shall dispose of other than normal domestic waste water on-site without approval of the Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules and ordinances.
 - b. Indoor use or storage facilities where hazardous materials, wastes or other liquids with the potential to threatened ground water quality are used or stored shall have concrete floors with dikes adequate to contain the largest quantity of liquid in use at any one time within the area.
 - c. Petroleum and Other Hazardous Material or Waste Transfer. A spill containment plan shall be submitted and approved by the Board.
 4. Small Enterprises. A commercial or industrial enterprise conducted in a dwelling unit or a structure accessory thereto which meets all the following criteria shall constitute a small enterprise.
 - a. The total number of full or part-time employees must be six or less and at least one employee must be an owner or resident of the small enterprise property. Such total of six employees shall include all residents involved in the small enterprise.
 - b. The total area utilized for the provided services shall be 2,500 sq.ft. or less, including parking spaces and paved areas.
 - c. Exterior displays or signs, other than those permitted hereinafter, exterior storage of material, and exterior indication of the small enterprise or variation from the residential character of the principal structure, shall not be permitted.
 - 1) In order to reduce visual traffic hazards and to provide for the safety of motoring public and pedestrian traffic; and to reduce the visual impact on the neighborhood, the following provisions shall govern the use of signs:

Signs and billboards relating to goods and services provided on the premises shall be permitted, provided such signs shall not exceed two signs per premises and provided such signs not exceed six sq.ft. in area each.

No sign shall extend higher than 20 feet above the ground.

No sign shall be located so as to obstruct driver's visibility.

- d. No traffic shall be generated by such small enterprises in greater volume than would normally be expected in the neighborhood. (The intent is to avoid overburdening the residential area with excessive traffic.)
- e. Any need for parking generated by the conduct of such small enterprise shall be met off the street. Off-street parking shall be provided for each employee and for vehicles of the maximum number of users the small enterprise may attract during peak hours.
- f. Conditions which are substantially inconsistent with the intent of a residential neighborhood, such as noise, vibrations, smoke, dust, fumes, electrical disturbance, odors, heat, glare, waste or activity at unreasonable hours, shall not be permitted if detectable beyond the property line.
- g. Small enterprises which exceed limitations listed above for number of employees or square footage of floor area (including paved and/or parking areas), and/or enterprises which create conditions substantially inconsistent with the intent of a residential neighborhood shall be considered commercial or industrial establishments and shall be reviewed as such.
- h. Residence-based services do not need a small enterprise permit, provided they meet the following conditions.
 - 1) The business must be incidental and secondary to the primarily residential use of the premises.
 - 2) At least one member of the residential household must be actively involved in the business and have control over the business activities at or out of the premises. There will be not more than six full or part-time employees, including all residents involved in the business.
 - 3) No more than ten business vehicles of any type may be present outdoors, and not more than 15 such vehicles may be present, indoors or out, at any one time. Off-street parking must be provided for such vehicles parked outdoors, and for the personal vehicles of employees of the business.
 - 4) The business activity may not regularly include sale at wholesale or retail to customers on the premises, delivery on the premises to customers of items sold or leased, or drop-off or pick-up of any items or goods by customers at the premises.
 - 5) Signs shall comply with Section 5.G.4.c.1.
- i. Effective 7 June 2003, a nontransferable "Small Enterprise" permit will

be issued to the applicant. This permit shall remain in effect until such time that the applicant ceases the activities of the small enterprise. The Planning Board must review changes in or expansions of the enterprise prior to any changes or expansions being made. The Code Enforcement Officer and/or the planning board may revoke the permit if the small enterprise does not comply with the ordinance or conditions of approval.

- j. Any uses falling within this section which are in active existence on the effective date of this section are pre-existing uses, but only to the extent of the actual active pursuit of the use (in numbers of employees, vehicles, types of uses, etc.). Pre-existing small enterprises will be issued a permit upon a payment of \$10 and filing of an application. Any subsequent change or diminution of such use will result in the partial or total loss of such "grandfathered" status, and such use may not thereafter be revived without approval by the Planning Board.

5. Junkyards and Automobile Graveyards

- A. Effective 7 June 2003, all new junkyards or automobile graveyard as defined in M.R.S.A. Title 30-A §3752 require approval by the Board under the Site Plan Review procedures of this Ordinance. Site Plan Review approval by the Board shall be conditioned on State approval as required in M.R.S.A. Title 30-A §3753.
- B. Automobile graveyards and junkyards legally existing in the Rural residential district on or before June 3, 2000 may continue and be expanded provided the provisions of this Ordinance are met except Section 2.D.1.
- C. For the purposes of this ordinance the Town will follow the standards and guidelines set forth in M.R.S.A. Title 30-A §3751-3760.
- D. Any person who operates or maintains a junkyard or automobile graveyard without receiving approval by the Board and obtaining required State permits shall be in violation of this ordinance and subject to penalties as specified in Title 30-A §4452.

6. Standards for Professional Offices in the General Residential, Rural Residential and Prime Agricultural Districts

In addition to the General Review Standards contained in Section 5.E and F, the Board shall find the following will be met:

- a. The appearance of the structure or accessory structure that contains a professional office shall not differ from residential character by means of size, shape, style, colors, exterior lighting or sounds.

- b. Additions to a residential or accessory structure for the express purpose of a professional office shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.
- c. Do not display any exterior exhibits, exterior storage of materials or any other exterior indications of the professional office or variation from residential character.
- d. There is no objectionable increase in traffic over traffic normal for the neighborhood.
- e. There is adequate off-street parking on the premises for the intended use. Off-street parking shall be designed to maintain residential character. No off-street parking shall be located in the front setback area and should be located to the side or rear of the structure.
- f. The professional office shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the professional office shall be removed promptly from the premises, according to state laws and local ordinances.

H. Waivers

Where the Board makes written findings of fact that due to special circumstances of a particular application, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, and are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, or this ordinance and further provided the performance standards of this ordinance have been or will be met. In granting waivers the Board shall require such conditions as will assure the purpose of these regulations are met.

I. Appeals

1. If the Board disapproves an application or grant approval with conditions that are objectionable to the applicant or to any abutting landowner or any aggrieved party, who can demonstrate a direct negative impact, or when it is claimed that the provisions of this section do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Board, as follows:
 - a. Appeals involving administrative procedures or interpretation of this

Ordinance may be heard and decided by the Board of Appeals as detailed below.

- b. When errors of administrative procedure are found by the Appeals Board, the case shall be referred back to the Board for rectification.
- c. When errors or interpretation are found, the Board of Appeals may modify the interpretation or reverse the order of the Board but may not alter the conditions attached by the Board. All changes in conditions, other than changes made by the granting of a variance, shall be made by the Board in accordance with the Board of Appeals' interpretation.
- d. Appeals involving administrative procedure or interpretation shall lie from the decision of the Board to the Board of Appeals and from the Board of Appeals to the Superior Court according to the State law.
- e. Appeals involving conditions imposed by the Board, or a decision to deny approval, shall be made from the Board to the Superior Court, when such appeals do not involve administrative procedures and interpretation may first be heard and decided by the Board of Appeals, as detailed above.

SECTION 6. Administration, Enforcement and Penalties (Amended 7 June 2003)

A. Administering Bodies and Agents

1. Code Enforcement Officer

- a. Appointment. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st by the Municipal Officers.
- b. Powers and Duties. The Code Enforcement Officer shall have the following powers and duties:
 - 1. Enforce the provisions of this Ordinance.
 - 2. Act upon building applications, refer permits requiring site plan approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.
 - 3. Enter any property at reasonable hours with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with the laws or ordinances set forth in this section.
 - 4. Investigate complaints and reported violations.
 - 5. Keep written inspection reports and thorough records.
 - 6. Issue violation notices.

7. Participate in appeals procedures.
 8. Appear in court when necessary.
 9. Confer with citizens in the administration and enforcement of this Ordinance.
 10. Regularly attend meetings of the Board of Appeals and meetings of the Planning Board, as necessary.
 11. Revoke a permit if it was issued in error or if it was based on erroneous information.
2. Planning Board. The municipal Planning Board shall be responsible for reviewing and acting upon applications for site plan review approval. Following site plan review approval, applicants shall return to the Code Enforcement Officer for a building permit.
 3. Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

B. Permits Required

1. After the effective date of this Ordinance, no person shall engage in any use of land requiring a permit in the district in which it would occur without first obtaining a permit.
2. Applications for permits shall be submitted in writing. The Enforcement Officer or Planning Board may require the submission of whatever information is necessary to determine conformance with the provisions of this Ordinance.
3. All building permits for permitted uses shall be obtained from the Enforcement Officer.
4. No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a plumbing permit for such facilities has first been secured by the applicant or his authorized agent, according to the requirements of this Ordinance.
5. No building permit shall be issued for a manufactured home built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 197, United States Code, Title 42, Chapter 70, unless the following has first been secured by the applicant or his authorized agent, according to the requirements of this Ordinance. The purpose of these standards is to establish a condition of safety that will allow the home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of the death or serious personal injury to its inhabitants.

- a. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.
 - b. A person holding a master license issued by the state of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of a NFPA31 Installation of Oil Burning Equipment and adopted by that Board, or other applicable standards.
 - c. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.
6. All permits and approvals issued by the Planning Board or Code Enforcement Officer shall expire if a start to construction of the building or structure, or commencement of the use is not begun within one (1) year of the date on which the permit or approval was issued. Upon good cause shown, the person or board issuing the original permit or approval may extend its effectiveness for an additional six months. Upon extension of a permit or approval, the applicant will be charged any difference between the fee originally paid and the fee at the time of the issuance of the extension. Any permits issued prior to March, 1991, will have one year in which to commence building or use. After that, permits shall lapse and become void.

C. Fees

All applications for a permit, appeal, variance or Site Plan Review shall be accompanied by the following fees: The Selectmen shall have the authority to revise the fee schedule after holding a public hearing.

1. Building Permits

- a. New Dwelling
...\$25 plus \$.10/sq. ft. of gross floor area living space, porches, decks, excluding basements below finished grade.
- b. Residential Accessory Structures: garages, swimming polls, sheds, etc., greater than 50 sq. ft.
...\$10 plus \$.05/sq. ft. of developed area.
- c. Additions or renovations
...\$10 plus \$.05/sq. ft. of floor space.
- d. Commercial, Business or Farm
...\$25 plus \$.10/sq. ft. of gross floor area.

2. Appeals/Variances
...\$40
3. Late Permits
...Three times regular fee
Value to be based upon the prior year's square footage evaluations from the tax assessor.
4. Site Plan Review
...\$25 plus \$10 per 2,000 sq.ft. or portion thereof gross floor area
5. Small Enterprise Permit
...\$25
6. Flood Hazard Development Permit
...\$10

D. Procedure for Administering Permits

Within 30 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 3, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve or deny all permit applications in writing within 60 days of receiving a completed application. However, if the Planning Board has a waiting list of applications such approval or denial shall occur within 60 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 30 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance, and the permittee shall comply with such conditions. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

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

E. Occupancy Permit

No newly constructed, placed, relocated, or expansion of any existing structure, intended for human habitation shall be occupied until an Occupancy Permit has been issued by the Code Enforcement Officer in accordance with the following.

1. Within five (5) working days of the receipt of a request of an Occupancy Permit the Code Enforcement Officer shall inspect the property to determine compliance with the Building Permit and that any subsurface wastewater disposal system required has been installed, inspected and approved by the Local Plumbing Inspector.
2. Upon finding that the Building Permit has been complied with and that any subsurface wastewater disposal system required has been installed, inspected and approved by the Local Plumbing Inspector the Code Enforcement Officer shall issue an Occupancy Permit.

F. Enforcement

1. Enforcement Procedure
 - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
 - d. Effective 7 June 2003. The Code Enforcement Officer shall not issue any new Permits to any person, organization, business or corporation that has received written notification from the Code Enforcement Officer of a violation of this ordinance until said violation(s) have been corrected, unless the Permit is required to correct the existing violation(s).
2. Legal Actions: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this

Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without court action. Such agreements should not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith.

3. Fines:

- a. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance and/or State laws which the town is authorized to enforce, shall be penalized in accordance with Title 30-A MRSA Section 4452.
- b. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and/or State laws which the town is authorized to enforce for the purpose of eliminating such violations. Consent agreements shall, when appropriate, include a corrective action and a fine. The Municipal Officers are granted the authority to set the amount of the fine and revise the fine amount from time to time after a public hearing.

Fines established on August 16, 2000.

First Violation	\$100.00 Minimum
Second Violation	\$200.00 Minimum
Third Violation	\$300.00 Minimum
Fourth Violation	\$400.00 Minimum

Monetary fines shall be based upon the severity of the violation in relation to public health, safety and welfare.

SECTION 7. Appeals

A. Establishment

A Board of Appeals is hereby created in accordance with the provisions of Title 30-A, MRSA Section 2691. The Board of Appeals shall keep minutes of its proceedings, recording the vote of each member on all matters coming before the Board. The minutes of the Board, and all correspondence, shall be a public record. Three members of the Board shall constitute a quorum for conducting a meeting and taking action.

B. Powers and Duties

1. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance. When errors of administrative procedures or interpretation are found, the case shall be remanded back to the Code Enforcement Officer or Planning Board for correction.
2. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.
 - a. Dimensional variances may be granted only from dimensional requirements including but not limited to frontage (including shore frontage), lot area, lot width, height, percent of lot coverage and setback requirements.
 - b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - c. The Board shall not grant a variance unless it finds that:
 - 1) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the nonconformity and from which relief is sought; and
 - 2) The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean all of the following:

- aa) That the land in question cannot yield a reasonable return unless a variance is granted;
- bb) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

- cc) That the granting of a variance will not alter the essential character of the locality; and
 - dd) That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

C. Appeal Procedure

1. Time Limit: An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within 30 days of the date of the decision.
2. Written Notice: Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why it should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief requested.
3. Record of Case: Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4. Public Hearing: The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
5. Decision by Board of Appeals
 - a. Quorum: A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - b. Majority Vote: The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code

Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms.

- c. Burden of Proof: The person filing the appeal shall have the burden of proof.
 - d. Action of Appeal: Following the public hearing on an appeal, the Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
 - e. Time Frame: The Board shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.
 - f. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.
- 6. Appeal to Superior Court: An appeal may be taken by any aggrieved party to Superior Court in accordance with State laws within 30 days from the date of any decision of the Board of Appeals.
 - 7. Reconsideration: The Board of Appeals may reconsider any decision reached within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.
 - 8. All variances granted shall be recorded in the Registry of Deeds as required by Title 30-A M.R.S.A. Section 4353.5. Any variance not so recorded shall be void.

AMENDED: June 7, 2003

AMENDED: June 4, 2005

AMENDED: June 3, 2006

AMENDED: June 2, 2007

AMENDED: June 6, 2009

AMENDED: June 7, 2014

ARTICLE II

TOWN OF LEEDS

SHORELAND ZONING ORDINANCE

Adopted: December 14, 1991

Amended: March 6, 1993

Amended: June 5, 1999

Amended: June 3, 2000

Amended: June 2, 2001

Amended: June 5, 2004

Amended: June 6, 2009

ARTICLE II

TOWN OF LEEDS SHORELAND ZONING ORDINANCE

SECTION 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

SECTION 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

SECTION 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending below the normal high-water line of a water body or within a wetland. Should Title 38, Sections 435-499 M.R.S.A., be amended to remove any areas so regulated by this Ordinance shall be so amended.

SECTION 4. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the municipal legislative body on December 14, 1991, shall not be effective unless approved by the

Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on this Ordinance, or Ordinance Amendment, within forty-five (45) days of its receipt of the Ordinance, or Ordinance Amendment, it shall be deemed approved.

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

B. Repeal of Municipal Timber Harvesting Regulation

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

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15.P in its entirety; and
- Article X, Zoning and Land Use Definitions, the definitions of "forest management activities" and "residual basal area"

SECTION 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

SECTION 6. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

SECTION 7. Conflicts with Other Ordinances

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

SECTION 8. Amendments

- A. Initiation of Amendments.** An amendment to this Ordinance may be initiated by:
1. The Planning Board, provided a majority of the Board has so voted;
 2. Request of the municipal officers; or
 3. Written petition of at least 25 voters registered to vote in Leeds.
- B. Public Hearing.** 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 municipality at least ten (10) days prior to the hearing.
- C. Notice Required.**
The Town Clerk shall forward to the Selectmen and Planning Board of adjacent communities of which a zoning amendment is proposed which is within 500 feet of a common town border at least ten days in advance of the public hearing. The adjacent community may provide verbal or written testimony.
- D. Adoption of Amendment.** An amendment of this Ordinance may be adopted by a majority vote of the Town Meeting.
- E. Submission to the Commissioner of the Department of Environmental Protection.** Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

SECTION 9. Districts and Zoning Map

A. Official Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Zoning Map which is made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Stream Protection District

B. Certification of Official Shoreland Zoning Map

The Official Zoning Map shall be certified by the attested signature of the Municipal Clerk and Chairperson of the Planning Board and shall be located in the municipal office.

C. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within forty-five (45) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

SECTION 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

SECTION 11. Land Use Requirements

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

SECTION 12. Nonconformance

A. Purpose

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

B. General

1. **Transfer of Ownership:** Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. **Repair and Maintenance:** This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.
3. **Rebuilding:** If a nonconforming structure is destroyed by fire or act of God, it may be rebuilt provided the construction is commenced within one year from date of destruction. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

C. Nonconforming Structures

1. **Expansions:** A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure in accordance with a and b below.

Further Limitations:

- a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by more than 25%, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section

12.C.3, and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 25% in floor area and volume since that date.

- b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 2. Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12.C.1.a above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland.

2. **Relocation:** A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was

removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

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

3. **Reconstruction or Replacement:** Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or a wetland and which is removed, or damaged or destroyed regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12.C.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or

reconstruct a structure, vegetation shall be replanted in accordance with Section 12.C.2 above.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer within one year of such damage, destruction, or removal.

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

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

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

D. Nonconforming Uses

1. **Expansions:** Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12.C.1.a above.
2. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or

maintained for residential purposes during the preceding five (5) year period.

- 3. Change of Use:** An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12.C.4 above.

E. Nonconforming Lots

- 1. Nonconforming Lots:** A vacant nonconforming lot of record recorded on or before June 21, 1971 may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, it contains a minimum of 40,000 square feet, all provisions of this Ordinance except lot area, lot width and frontage can be met and a new system variance as defined in the State of Maine Subsurface Wastewater Disposal Rules is not required to provide subsurface sewage disposal. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
- 2. Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots must be conveyed together.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the lots comply with applicable dimensional requirements contained in Section 15.A.1.

- 3. Two or More Contiguous Lots or Parcels.** If two or more contiguous lots or parcels are in single or joint ownership as of the effective date of this Ordinance, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain(s) only an accessory structure, the lots shall be combined to the extent necessary to meet all dimensional standards. This paragraph is intended to apply to all lots whether shown on an approved and recorded plan or not. Corporations in which two or more directors are the same individual (or their spouses) shall be treated as the same corporation (i.e., as the same single or joint owners) for the purposes of this Ordinance.

SECTION 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, except that areas which are currently developed need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department of Environmental Protection as of October, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils and/or local knowledge.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
6. Essential habitat for endangered and threatened species.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Stream Protection District.

C. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

SECTION 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Zoning Map of Leeds, Maine.

Key to Table 1:

- Yes: Allowed (no permit required but the use must comply with all applicable land use standards.)
- No: Prohibited
- PB: Requires permit issued by the Planning Board (shall be reviewed as a Site Plan Review as contained in Article I. Section 5.
- CEO: Requires permit issued by the Code Enforcement Officer
- LPI: Requires permit issued by the Local Plumbing Inspector

Abbreviations:

- RP: Resource Protection
- LR: Limited Residential
- SP: Stream Protection

LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS		
	SP	RP	LR
1. Nonintensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes
4. Timber harvesting	yes	CEO ¹	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes
6. Fire prevention activities	yes	yes	yes
7. Wildlife management practices	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB
11. Surveying and resource analysis	yes	yes	yes
12. Emergency operations	yes	yes	yes
13. Agriculture	yes	PB	yes
14. Aquaculture	PB	PB	PB
15. Principal structures and uses			
A. One and two family residential, including driveways	PB ⁴	no	CEO
B. Multi-unit residential	no	no	PB
C. Commercial	no	no	no
D. Industrial	no	no	no
E. Governmental and Institutional	no	no	no
F. Small nonresidential facilities for educational, scientific or nature interpretation purposes	PB ⁴	PB	CEO
16. Structures accessory to allowed uses	PB ⁴	PB ⁹	CEO
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-			

LAND USES	DISTRICTS		
	SP	RP	LR
water line or within a wetland	CEO ¹⁰	CEO ¹⁰	CEO ¹⁰
a. Temporary	PB	PB	PB
b. Permanent			
18. Conversions of seasonal residences to year-round residences	PB	no	PB
19. Small Enterprise	PB	no	PB
20. Private sewage disposal systems for allowed uses	LPI	no	LPI
21. Essential services			
A. Roadside distribution lines (34.5kV and lower	PB ⁶	PB ⁶	PB
B. Non-roadside or cross country distribution lines involving ten poles or less in the shoreland zone.	CEO ⁶	CEO ⁶	Yes ¹¹
C. Non-roadside or cross country distribution lines involving eleven or more poles in the shoreland zone.	PB ⁶	PB ⁶	CEO
D. Other essential services	PB ⁶ PB ⁶	PB ⁶ PB ⁶	PB PB ⁶
22. Service drops, as defined, to allowed uses	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB
24. Individual, private campsites	CEO	CEO	CEO
25. Campgrounds ⁸	no	no ⁶	PB
26. Road construction	PB	no ⁸	PB
27. Parking facilities	no	no ⁷	PB
28. Marinas ⁸	PB	no	PB
29. Filling and earthmoving <10 cubic yards	CEO	CEO	yes
30. Filling and earthmoving >10 cubic yards	PB	PB	CEO
31. Signs (new or replacement)	yes	yes	yes
32. Uses similar to allowed uses	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB

¹In RP not permitted within 75 feet of the normal high water line of great ponds, in accordance with Section 15.P.1.

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

³In RP not permitted in areas so designated because of wildlife value.

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

⁵See further restrictions in Section 15(M)(2)

⁶Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁷Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB

⁸Must submit a Site Plan Review and meet the standards set forth in the Town of Leeds Zoning Ordinance

⁹Accessory structures in the Resource Protection District adjacent to wetlands are allowed with a permit from the Code Enforcement Officer. All set back standards shall be met.

¹⁰Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹¹ Permit not required but must file a written "notice of intent to construct" with CEO.

SECTION 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

1.

	Minimum lot Area (square feet)	Minimum Shore Frontage (feet)	Minimum Road Frontage (feet)
Residential per dwelling unit	87,120	200	150
Governmental, Institutional, Commercial or Industrial Per Principal Structure	87,120	300	150
Public and Private Recreational Facilities	87,120	200	150

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
6. After the effective date of this Ordinance, no lot shall be created or reduced below the minimum requirements unless allowed by other provisions of this Ordinance.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred fifty (150) feet, horizontal distance, from the normal high water line of the Androscoggin and Dead River and one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

- b. All new principal and accessory structures shall meet the minimum lot line setback requirements:

Front Setback (from ROW)	25 feet
Side Setback	25 feet
Rear Setback	25 feet

The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist. (Amended June 5, 2004)

- c. All lots hereinafter created shall possess a minimum frontage on one boundary of:
- 1) Open State or Town Street
 - 2) Privately owned street which complies with the Town of Leeds Street Construction Ordinance and approved by the Planning Board. (Amended June 5, 2004)
- d. No garage or other accessory building shall be located in the required setbacks except as permitted as follows: when located to the rear of the principal building, accessory buildings no larger than 150 sq. ft. in floor area may be located within the required side or rear setbacks provided that no such structure shall be located less than 6 feet from a side or rear lot line. (Amended June 5, 2004)
- e. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.
5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
6. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;
 - b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

- c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
- d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
- e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
- f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15.Q.2.a, may traverse the buffer.

C. Conversion of Seasonal Residences to Year-Round Residences

- 1. A seasonal residence may be converted to a year-round residence with approval of the Planning Board provided the following are met.
 - a. The lot contains a minimum of 40,000 square feet;

- b. That adequate off-street parking is provided;
- c. Provides subsurface sewage disposal in accordance with one of the following:
 - 1) A subsurface waste water disposal application, completed after July 1, 1974, exists indicating that the dwelling's waste water disposal system substantially complies with the Department of Human Services' rules and applicable municipal ordinances, provided that the disposal system was installed with the required permit and certificate of approval;
 - 2) A replacement for an existing waste water disposal system has been constructed so that it substantially complies with the Department of Human Services' rules and applicable municipal ordinances;
 - 3) The dwelling unit's waste water is connected to an approved sanitary sewer system; or
 - 4) A variance has been granted as defined in Title 12, Section 4215.2.D.

D. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

- 1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- 2. The location shall not interfere with existing developed or natural beach areas.
- 3. The facility shall be located so as to minimize adverse effects on fish habitat.
- 4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- 5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water

body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

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

E. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

F. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred fifty (150) feet , horizontal distance, from the normal high water line of the Androscoggin and Dead Rivers, one hundred (100) feet , horizontal distance, from the normal high-water line of a great pond or river, and seventy-five (75) feet , horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

G. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds:

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping

- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing
- l. Printing

H. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Minimum ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal travel aisles: Minimum twenty (20) feet wide.
4. Parking areas shall not be located within twenty-five (25) feet of the front lot line or ten (10) feet of the side lot lines. (Amended June 5, 2004)

I. Roads and Driveways

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

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

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

This paragraph does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15. I.1 except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection 15.R.
5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:
 - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

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

- b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
- c. On road and driveway sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a

thirty (30) degree angle downslope from a line perpendicular to the centerline.

- d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

J. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection and Limited Residential Districts:

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs shall be allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be allowed without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

K. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such

as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

L. Septic Waste Disposal

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

M. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than road-side distribution lines, is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

N. Mineral Exploration and Extraction

NOTE: This includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Article X.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled

or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.
2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. The extraction must comply with Section 5. of the Town of Leeds Zoning Ordinance. Where that ordinance imposes more stringent standards, that ordinance shall prevail.

O. Agriculture

1. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of

Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
5. Newly established livestock grazing areas shall not be allowed within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

P. Timber Harvesting

1. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - a. Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - I. The ground is frozen;
 - II. There is no soil disturbance;

- III. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - IV. There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - V. A licensed professional forester has marked the trees to be harvested prior to a permit issued by the Code Enforcement Officer.
- b. Beyond the 75 foot "no harvest" strip referred to in paragraph a. above, timber harvesting is allowed by permit in accordance with Paragraph 2 below except that in no case shall the average residual basal area of trees over one inch in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
- a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is allowed. The Planning Board may issue a permit to exceed the 40 percent limitation upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such timber harvesting in excess of 40 percent is necessary for good forestry management and is carried out with the purposes of this Ordinance. The Planning Board shall notify the Department of Environmental Protection of any permits issued for timber harvesting in excess of 40 percent within 14 days of approving such permit. In addition:
 - i. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting

operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

- b. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet

from the normal high-water line of a water body or upland edge of a wetland.

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

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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

2. Except in areas as described in Section Q. 1 above, and except to allow for the development of allowed uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or stream flowing to a great pond, the width of the foot path shall be limited to six (6) feet.
 - b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15 Q.2.b a "well-distributed stand of trees" adjacent to a great pond or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50 foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of tree at 4 1/2 feet above ground level (inches)	Points
2-<4 in.	1
4-<8 in.	2
8-<12 in.	4
12 in. or greater	8

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

The following shall govern in applying this point system:

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

For the purposes of Section 15.Q.2.b "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

- c. In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other allowed uses as described in Section 15.Q. paragraphs 2 and 2.a above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15 Q.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

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

- 4. Legally existing non-conforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- 5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(Q).

R. Erosion and Sedimentation Control

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

shall be designed and constructed in order to carry water from a twenty five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

S. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Licensed Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

T. Water Quality

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

U. Archaeological Sites

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

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

SECTION 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer: A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.
3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

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

1. A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - b. The replacement culvert is not longer than 75 feet; and
 - c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. Applications requiring a Planning Board permit shall comply with the provisions contained in Article I. Section 5 of the Code.
3. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
4. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
5. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
6. No building permit shall be issued for a manufactured home built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, unless the following has first been secured by the applicant or his authorized agent, according to the requirements of this Ordinance. The purpose of these standards is to establish a condition of safety that will allow the home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of the death or serious personal injury to its inhabitants.
 - a. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.
 - b. A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA31 Installation of Oil Burning Equipment and adopted by that Board, or other applicable standards.

- c. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical code in effect at the time the home was constructed.

D. Procedure for Administering Permits

1. Permit issued by the Code Enforcement Officer
 - a. Within 30 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make the application complete.
 - b. The Code Enforcement Officer, the officer shall approve, approve with conditions, or deny the application in writing within 45 days of receiving a completed application.
2. Permits issued by Planning Board
 - a. For applications which require Planning Board review, the Planning Board shall review the application as provided in Article I, Section 5.D. of this Code.
3. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.
4. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
5. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use will comply with Article I., Section 5 of this Code and:
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewater;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;
- g. Will avoid problems associated with flood plain development and use; and
- h. Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

F. Installation of Public Utility Service

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. Occupancy Permit

No newly constructed, placed, relocated, or expansion of any existing structure, intended for human habitation shall be occupied until an Occupancy Permit has been issued by the Code Enforcement Officer in accordance with the following.

1. Within five (5) working days of the receipt of a request of an Occupancy Permit the Code Enforcement Officer shall inspect the property to determine compliance with the Building Permit and that any subsurface wastewater disposal system required has been installed, inspected and approved by the Local Plumbing Inspector.

2. Upon finding that the Building Permit has been complied with and that any subsurface wastewater disposal system required has been installed, inspected and approved by the Local Plumbing Inspector the Code Enforcement Officer shall issue an Occupancy Permit.

H. Appeals

1. Appeals shall comply with Article I. Section 7 of this Code and the following.
2. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
3. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

I. Enforcement

1. Enforcement shall comply with Article I. Section 6.G. of this Code.

ARTICLE III

TOWN OF LEEDS

SUBDIVISION ORDINANCE

Adopted: December 14, 1991

Amended: June 7, 2014

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ARTICLE III

TOWN OF LEEDS SUBDIVISION ORDINANCE

SECTION 1. Purposes

The purposes of this Ordinance are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Leeds, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Leeds, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the requirements established by State law (see Appendix I).

SECTION 2. Authority, Administration, Effective Date, Repeal of Existing Ordinance

A. Authority

1. This Ordinance is adopted pursuant to Title 30-A, M.R.S.A. §4403, Home Rule Powers as provided for Article VIII-A Part 2, Section 1 of the Maine Constitution and Title 30-A, M.R.S.A. Section 3001.

2. These standards shall be known and may be cited as "Town of Leeds Subdivision Ordinance."

B. Administration

1. The Planning Board of the Town of Leeds, hereinafter called the Board, shall administer these standards.
2. The provisions of these standards shall pertain to all land and buildings proposed for subdivision, as defined by this Ordinance within the Town of Leeds.

C. Effective Date

The effective date of this Ordinance is December 14, 1991.

D. Repeal of Existing Subdivision Ordinance

Adoption of this Ordinance shall repeal any and all previous subdivision ordinances.

E. Conflict with Other Ordinances

This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided, however, that where this Ordinance imposes greater restrictions, its provisions shall control.

F. Validity and Severability

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

SECTION 3. Administrative Procedure

A. Purpose. The purpose of this section is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.

B. Agenda. In order to avoid unnecessary delays in processing applications for

subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least one (1) week in advance of a regularly scheduled meeting by contacting the Chairman. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes.

- C. Joint Meetings. If any portion of the proposed subdivision crosses the boundary of an adjacent municipality, the Planning Board shall meet jointly with that municipality's planning board to discuss the application.

SECTION 4. Preapplication Meeting Sketch Plan and Site Inspection

A. Procedure.

1. The application presents a sketch plan and make a verbal presentation regarding the site and the proposed subdivision.
2. When a proposed residential subdivision will encompass ten or more acres, the applicant shall submit a sketch plan of both a traditional subdivision layout and a cluster/open space layout. The sketch plans shall be accompanied by a written narrative of advantages and disadvantages of both layouts in relation to the particular site. Based upon this information, the Board shall inform the applicant within 30 days which is the most appropriate for the site and meets the provisions contained in the comprehensive plan.

B. Submission. The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, and a copy of the county soil survey covering the subdivision and showing the outline of the subdivision.

C. Contour Interval and On-Site Inspection. Within thirty days, the Board shall

determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, and determine whether or not to hold an on-site inspection of the property at this phase.

- D. Ownership Interest. The developer will furnish written evidence showing his interest (option, contract for sale, etc.) in the property to be subdivided to the Planning Board and the status of property tax payment.

SECTION 5. Preliminary Plan

A. Procedure

1. Within six months after the on-site inspection, if one has been conducted, by the Board, the subdivider shall submit an application for approval of a Preliminary Plan at least one (1) week prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Preliminary Plan application at the Board meeting where the Preliminary Plan application is first presented and heard by the Board.
2. All applications for Preliminary Plan approval shall be accompanied by an application fee of \$100.00 plus \$25.00 per lot, dwelling unit, or unit contained in a shopping center or similar commercial establishment payable by check to the Town of Leeds. The Selectmen shall have the authority to revise the fee schedule after holding a public hearing. The Preliminary Plan shall not be found to be complete until application fees are paid. If the services of outside consulting engineers are required by the Board to assist in review of the plan, the Board shall notify the applicant of the nature of services, the firm or individual selected and the estimated cost of the services. The costs of such services shall be paid by the applicant and evidence of such payment furnished to the Planning Board before the final plans for the project will be approved.
3. The subdivider, or his duly authorized representative, shall attend the

meeting of the Board to discuss the Preliminary Plan. Failure of the subdivider, or his representative, to attend the meeting shall delay any action on the application until the next Board meeting.

4. Upon receipt of an application for Preliminary Plan approval, the Planning Board shall notify in writing all owners of property within 500 feet to the proposed subdivision.

5. Within thirty (30) days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

6. The Board shall determine whether to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. Notice of the public hearing shall be mailed to all owners of property within 500 feet of the proposed subdivision seven (7) days prior to the hearing by the Town of Leeds.
7. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
8. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
 - a. The specific changes which it will require in the Final Plan;
 - b. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 - c. The amount of all performance guarantees which it will require as

prerequisite to the approval of the Final Plan.

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

B. Submissions

1. Location Map: The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:
 - a. Existing subdivisions within 1,000 feet of the proposed subdivision.
 - b. Locations and names of existing and proposed streets.
 - c. Boundaries and designations of any zoning districts.
 - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

2. Preliminary Plan: The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivision containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) (may be reduced to a size of 8 1/2 by 11 inches) and all accompanying information shall be mailed to each Board member no less than one (1) week prior to the meeting. The following information shall either be shown on the Preliminary Plan or accompany the application for

preliminary approval:

- a. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot Numbers.

- b.
 - b. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

- c. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- d. A copy of any covenants, deed restrictions or mobile home park regulations intended to cover all or part of the lots in the subdivision.
- e. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
- f. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features shall be shown on the plan.
- g. Indication of the type of sewage disposal to be used in the subdivision.
 - 1. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
- h. Indication of the type of water supply system(s) to be used in the subdivision and the location of common water supply wells.
- i. The date the Plan was prepared, magnetic north point, and date of reading, graphic map scale, names and addresses of the record

owner, subdivider, and individual or company who prepared the plan. The plan(s) shall be stamped or sealed by a professional engineer, surveyor or planner, or all of them, as the case may be.

- j. The names and addresses of owners of record of property within 500 feet of the proposed subdivision.
- k. The location of any zoning boundaries affecting the subdivision.
- l. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

- m. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. (Proposed streets shall comply with the standards set forth in the Town of Leeds Street Construction Ordinance.)
- n. An estimate of the amount of and type of vehicular traffic to be generated on a daily basis and at peak hours. The Planning Board may require a roadway impact capacity analysis.
- o. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
- p. The proposed lot lines with approximate dimensions and lot areas.
- q. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- r. The location of any open space to be preserved and an indication of its improvement and management.
- s. A soil erosion and sedimentation control plan.
- t. A plan for the disposal of surface drainage waters, prepared by a Registered Professional Engineer.
- u. A copy of that portion of the county soil survey covering the

subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.

- v. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

- w. The location of fresh water wetlands as defined by the Natural Resource Protection Act.

- x. The location of river, stream or brook within or abutting the proposed subdivision.

- y. The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Leeds that is in or adjacent to the proposed subdivision.
- z. Any portion of the subdivision which is located within the direct watershed of a lake or pond shall be identified.
- aa. A phosphorus impact analysis and control plan when determined as necessary by the Board (when the proposed subdivision is in the direct watershed of a great pond).
- bb. The location of known or potential archaeological resources, significant scenic areas, mapped sand and gravel aquifers, historic buildings or sites with a description of how such features will be maintained or impacts upon them minimized.
- cc. A statement of the applicant's technical and financial capacity to carry out the project as proposed.
- dd. The applicant shall notify the Public Works Director, School Superintendent, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The applicant shall provide the Board with these officials' written comments upon the adequacy of their department's existing capacities to service the proposed subdivision.

SECTION 6. Final Plan

A. Procedure

1. The subdivider shall, within 12 months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within 12 months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Final Plan application at the Board meeting where the Final Plan application is first presented and heard by the Board.

2. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
3. Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application, the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Final Plan application.
4. Prior to approval of the Final Plan application, the following approvals shall be obtained in writing, where applicable, provided, however, that the Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development's review.
 - a. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resource Protection Act, or if a Wastewater Discharge License is needed.
 - b. Maine Department of Human Services, if the subdivider proposes to provide a Community Water System as defined by the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144A. C.M.R. 231).
 - c. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

5. A public hearing may be held by the Board within thirty days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. Notice of public hearing shall be mailed to all owners of property within 500 feet of the proposed subdivision seven (7) days prior to the hearing.

When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Board shall notify the Clerk and the Board of the adjacent municipality involved, at least ten days prior to the hearing.

6. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Section 10.
7. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.
8. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30-A, M.R.S.A. §4404, and in this Ordinance. If the Board finds that all standards of the Statute and this Ordinance have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute and this Ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be slated in the records of the Board.

B. Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the

Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may, instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan. In addition, one copy of the Final Plan, (may be reduced to a size of 8 1/2 by 11 inches) and all accompanying information shall be mailed to each Board member no less than one (1) week prior to the meeting.

The application for approval of the Final Plan shall include the following information.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.

2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
3. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
4. Indication of the type of sewage disposal to be used in the subdivision.
5. Indication of the type of water supply system(s) to be used in the subdivision.
 - a. When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from either a well driller or a hydrogeologist familiar with the area.
6. The date the Plan was prepared, magnetic and true north point, date of reading, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
7. The location of any zoning boundaries effecting the subdivision.
8. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

9. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included as set forth in the Town of Leeds' Street Construction Ordinance.

10. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.

11. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

12. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

13. The seal of a registered professional engineer or registered land surveyor certifying to the accuracy of the plan.

14. Suitable space to record in the final plan by the five (5) Board members with conditions, if any, and also the date of such approval as follows:

Approved: Town of Leeds Planning Board

_____ Chairman

_____ Date

_____ Secretary

15. There shall also be suitable space for:

a. Endorsement of the plan by the Town Selectmen.

C. Final Approval and Filing

1. No plan shall be approved by the Board as long as the subdivider has outstanding violations on any approved subdivision plan within the Town of Leeds.
2. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor and one copy of the signed plan shall be forwarded to the Code Enforcement Officer by the subdivider. Any subdivision not recorded in the Registry of Deeds by the subdivider within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
3. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan.
4. No change, erasures, modifications, or revisions shall be made in any Final

Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 7.A.3 findings that the revised plan meets the standards of Title 30-A, M.R.S.A. §4401, and this Ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

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

6. Failure to commence substantial construction of the subdivision within one year of the date of approval and signing of the Plan shall render the Plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

SECTION 7. Enforcement

A. Inspection of Required Improvements

1. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
2. If the inspecting official finds, upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.
3. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the

subdivider shall obtain permission to modify the plans from the Board.

4. At the close of each summer construction season, the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.
5. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
6. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed townway to a town meeting for acceptance, a written certification signed by a professional engineer registered in the State of Maine may be required by the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of the Town of Leeds, Street Construction Ordinance.
7. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks and maintenance until acceptance of the improvements by the municipality.

B. Violations and Enforcement

1. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.
2. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
3. No person, firm, corporation or other legal entity may convey, any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
4. No person shall establish or develop a subdivision without first having a final plan thereof approved by the Board. "Develop" shall include grading or construction of roads, grading of land or lots, or construction of any buildings.
5. No lot in a subdivision may be sold, leased or otherwise conveyed before the street is completed in accordance with Leeds' Street Construction Ordinance. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.
6. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452. The Municipality may institute proceedings to enjoin the violation

of this section, and may collect attorney's fees and court costs if it is the prevailing party.

7. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

SECTION 8. Standards

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each, in addition to standards contained in Title 30-A, M.R.S.A., Section 4404, 1-17, have been met prior to the approval of the Final Plan. In all instances, the burden of proof shall be upon the applicant.

- A. Conformance with Comprehensive Plan and other enacted local ordinances.
All proposed subdivisions shall be in conformity with the Comprehensive Plan and with the provisions of all pertinent state and local codes and ordinances.
- B. Open Space Buffer Provisions
 1. The Board may require that a proposed subdivision design include a plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of identified scenic, archeological, historic or environmentally desirable areas.
 2. The Board may require a buffer of up to 200 feet between dwellings located in a subdivision and agricultural land.
 3. The Board may require that the subdivider reserve an area equal to ten percent of his total land as an open space and/or recreational area for use by property owners in the subdivision. The developer may instead make a

payment in lieu of dedication into a municipal land acquisition fund. A payment in lieu of dedication shall be calculated at the market value of land at the time of the subdivision, as determined by the municipal tax assessor, and deposited into a municipal land acquisition or improvement fund.

- a. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.
- b. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:

- 1) The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
 - 2) If appropriate, the individual property owner's pro rata share of development costs, maintenance cost and property taxes of the reserved land.
 - 3) Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designed for later development if the Subdivision Plan includes provision for development in discrete stages.
 - 4) Any area designated for common use shall be so arranged that each property owner has access to it.
4. Land reserved for open space purposes shall be a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. The Planning Board shall review open space plans to determine if the subdivider has made a maximum effort to preserve scenic vistas and make available land for trails and lookouts, etc.
 5. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.
- C. Land Not Suitable for Development. The following lands shall not be included in the calculations of building density for the purpose of meeting the requirements of subdivisions including cluster developers, mobile home parks, multi-family developments of three or more units.

1. Land which is part of a right-of-way or easement including utility easements.
 2. Land that has been created by filling or draining a pond or wetland.
 3. The lands identified in Section 3.G. of the Town of Leeds Zoning Ordinance.
- D. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.

E. Lots

1. Wherever possible, side lot lines shall be perpendicular to the street.
2. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division regardless of the amount of time that has lapsed since original subdivision approval shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the Subdivision Statute, the standards of this Ordinance and conditions placed on the original approval.
3. If a lot on one side of a road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the road to meet the minimum lot size.
4. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
5. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
6. In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. In addition the numbering system

shall comply with 911 number system established by the Fire Department.

F. Utilities

1. The Board may require utilities serving the subdivision to be installed underground. The applicant will furnish or cause to be furnished to the Planning Board the plans prepared by utility companies for the installation of utilities. Acceptance of the Final Plan of a subdivision is conditioned upon receipt of these utility plans.
2. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.

G. Monuments

1. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
2. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
3. Stone or precast concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill holes 1/2 inch deep shall locate the point or points described above.

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

H. Water Supply

1. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144 A.C.M.R. 231).
2. If individual wells are to be used, lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules.

I. Sewage Disposal

1. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
2. The Site Evaluator shall certify, in writing, that all test pits which meet the requirements for a new system represent an area large enough to install a

disposal area on soils which meet the Disposal Rules.

3. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
4. The Board may require subsurface sewage disposal system design(s).
5. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

J. Surface Drainage

1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a Registered Professional Engineer.
2. Drainage easements for existing watercourses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
3. The developer shall provide a statement from the designing engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements from the abutting

property owners, allowing such additional discharge shall be obtained.

4. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Article 2-3 shall be submitted.

K. Soil Erosion

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

2. The proposed subdivision shall prevent soil erosion from entering water bodies, freshwater wetlands and adjacent properties.
3. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and clean-up stages.

L. Phosphorus Export

When a proposed subdivision is within the direct watershed of Androscoggin Lake and Allen, Little Sabattus, Bonny, Sabattus and Island Ponds, the phosphorous export from development shall be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection using the data provided by that Department and those in the table below, as revised from time to time by the Board to reflect any changes in the data or methods of computation promulgated by the Department of Environmental Protection. Notice of the revision of such standards by the Board shall be given by publication in a newspaper having general circulation in the Town of Leeds and by posting the same at the Town Hall. A copy of any such revised standards shall be on file with the Town Clerk.

PHOSPHOROUS			
Watershed	Lake Protection Level	lbs/ppb	Allowable Per Acre Phosphorous Load (lbs/acre/year) ¹

Andros. Lake	Medium	128.6	0.193
Sabattus	Medium	25.7	0.027
Allen	Medium	0.088	0.055
L. Sabattus	Low	4.6	0.105
Bonny	Low	1.1	0.098
Source: Androscoggin Valley Council of Governments			
¹ Per acre phosphorous allocation - amount of phosphorous each developed acre is allowed to export (lbs/acre/yr)			

M. Impact on Ground Water

1. When a hydrogeologic assessment is required, the assessment shall be prepared by a Certified Geologist and contain at least the following information:
 - a. A map showing the basic soil types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential development, nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
6. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

N. Road Standards

1. Road patterns shall give due consideration to public safety and convenience, to contours and natural features and their relation to existing and planned streets. Proposed roads shall be in harmony and conformance with existing and future roads.
2. Residential roads shall be laid out so that their use by through traffic will be discouraged.
3. Sidewalks, or pedestrian easements, may be required by the Board to provide safe and convenient access to transportation centers, playgrounds, common areas or public facilities.
4. Duplicate name(s) closely similar to existing road name(s) shall not be permitted. The Board, with input from the fire chief, shall approve all road names.

5. The design and construction of all streets and roads shall be in accordance with the Town of Leeds Street Construction Ordinance in effect at the time of the application submittal. Plans for road construction, grading and ditching should be reviewed by the Public Works Director for his recommendations prior to Board approval.

O. Access Control and Traffic Impacts

1. General: Provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision, to avoid traffic congestion on any road and to provide safe and convenient circulation on public roads and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.
 - a. The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential roads.
 - b. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
 - c. The road giving access to the subdivision and neighboring roads which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and, if traffic studies indicate improvements are necessary, the applicant shall pay a proportional share to accommodate the amount and types of traffic generated by the proposed subdivision. No subdivision shall reduce the streets Level of Service to "D" or below.

- d. Where necessary to safeguard against hazards to traffic and pedestrians and/or a void traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, and traffic controls within public roads.
 - e. Where topographic and other conditions allow, provision shall be made for circulation access connections to adjoining lots of similar existing or potential use:
 - 1. when such access connection will facilitate fire protection services as approved by the Fire Chief; or
 - 2. when such access will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.
 - f. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with an existing public street or streets on an approved subdivision plan. A minimum of 200 feet shall be maintained between centerlines of such street to any other street.
2. Where the subdivision lots will be accessed by off-site public roads, the use of common driveways shall be used where appropriate to minimize the number of curbcuts.

- a. Common driveways shall meet the design standards set forth in the Leeds Street Design Ordinance.
- b. All lots using common driveways shall provide a driveway maintenance agreement to be reviewed by the Board.

P. Preservation of Significant Wildlife Habitat

Applicants proposing to subdivide land in or within 250 feet of significant wildlife habitat as defined in the Town of Leeds Comprehensive Plan must consult with the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. Any conditions to the approval relating to wildlife habitat preservation shall appear as notes on the plan and as deed restrictions to the affected lots.

Q. Construction in Flood Hazard Areas

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principle structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation and complies with the Floodplain Management Ordinance for the Town of Leeds, Maine. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

R. Mobile Home Parks

Mobile home parks and expansions of mobile home parks shall be considered a

subdivision and shall comply with the provisions of this Ordinance, and with the provisions contained in this section. Where provisions of this ordinance conflict with specific provisions of this section, the provisions of this section shall prevail.

1. Prior to the establishment or expansion of a mobile home park, an applicant shall apply for subdivision approval. The application shall include information required under this article and the following:
 - a. Location of existing and proposed manufacturing housing units and other structures, and the location of each mobile home park lot.
 - b. Location of existing and proposed pedestrian walkways.
 - c. Location, intensity, type, size and direction of all outdoor lighting.
 - d. Location and proposed use of areas proposed for outdoor recreation.
 - e. Location and type of existing and proposed fences, hedges and trees of 6 inch diameter and over at a point 4.5 feet above ground level.
 - f. A report(s) by qualified professional(s) stating that the proposed mobile home park will have a sufficient quantity of drinking water that meets State water quality standards available for each manufactured housing unit within the mobile home park.
 - g. A ground water assessment meeting the standards set forth in

subsurface sewage disposal system shall be no greater than one unit per 20,000 sq.ft. of total park area.

- e. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the front of the manufacturing home.
- f. Lots within the shoreland zone shall meet the lot area, lot width, setback and shore frontage requirements for that district.
- g. The overall density of the mobile home park shall be computed using the combined area of its mobile home lots plus:
 - 1. The area required for road rights-of-way;
 - 2. The area required for buffer strips, if any;
 - 3. For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots; and
 - 4. The area within the municipality's shoreland setback.

3. Lot Setbacks

- a. The following lot setbacks shall apply to all manufactured housing units and accessory buildings:

Front setback 20 feet

Side setback 20 feet

Rear setback 10 feet

If these requirements conflict with the requirements of the shoreland zone, the stricter standards shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units.

- b. For aesthetic purposes, the Planning Board may allow the front setback on a private road within a mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way and the average distance is at least 20 feet for all units.
 - c. Carports of noncombustible materials are not subject to side setback requirements.
 - d. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 40 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.
4. Lot Coverage: All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.
5. Open Space Requirements for lots served by Public Sewer
- a. Open Space Suitability. At least 50% of the required open space shall consist of land that is suitable for active recreation or storage.

- b. Developed Open Space. All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long-term use. Plans for these areas shall be submitted by the developer.
- c. Undeveloped Open Space. To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to provide trails for walking and jogging or to provide picnic areas is permitted.
- d. Open Space Ownership: The applicant shall submit, as part of the application, a copy of that portion of the proposed park rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation and storage.
- e. Maintenance and Use. Open space shall be maintained and used for its stated purpose.

6. Buffer Strips

- a. A 50 foot wide buffer strip shall be provided along all property boundaries that:

1. Abut residential land which has a gross density of less than half of that proposed in the park, or
2. Abut residential land that is zoned at a density of less than half of that proposed in the park.

No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

- b. Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view from the adjacent property and shall be maintained throughout the life of the project.

7. **Parking Requirements:** For each mobile home lot, there shall be provided and maintained, at least 2 off-street parking spaces. Each parking space shall contain a minimum area of 200 feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if a parking lane is provided.

In addition to occupant parking, off-street parking and service parking areas shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home park lots. Such parking areas shall be hard-surfaced.

8. Road Standards: In addition to the standards contained in the Town of Leeds Street Construction Ordinance, the following shall be complied with:
 - a. For mobile home parks expecting to generate 200 trips/day or more, there shall be at least two entrances from public streets or roads.
 - b. On-street parking shall be prohibited unless an 8 foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
 - c. Curvilinear streets shall be utilized wherever possible. No street within the park shall be more than 200 feet without a curve or bend.
 - d. No mobile home lot may have vehicular access directly onto a public street.
 - e. Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
 - f. One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
 - g. Parking lanes shall be a minimum of 8 feet in width, if provided.
 - h. Cul-de-sac turn-arounds shall have a minimum radii of 50 feet at

the outer edge of the pavement, exclusive of any parking areas.

- i. If the applicant intends to dedicate roads within the mobile home park to the public, such roads shall meet all road construction standards contained in the Town of Leeds Street Construction Ordinance.

9. Sidewalks/walkways: The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the roadway width is increased accordingly. Walkways shall be a minimum width of 3 feet.

10. Sanitary Standards - Sewage Disposal

- a. All water carried sewage shall be disposed of by means of one of the following:

1. A public water sewer system. Any mobile home park located within 500 feet of an existing public sewer shall connect to that existing public sewer if the municipal system has the capacity to accept the volume of sewage to be produced by the mobile home park.

2. A centralized private sewer system approved by the Department of Human Services, serving each mobile home lot in the mobile home park.

3. Individual subsurface sewage systems meeting the requirements of the State Plumbing Code.

11. 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.

12. Refuse Disposal: The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

Mobile home parks shall provide a centralized rubbish collection facility which shall be screened from view of neighboring properties and streets. Refuse shall be removed from the site no less than once per week.

13. Lighting: Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impacts on adjacent properties.

14. Signs: Signs and advertising devices shall be prohibited in a mobile home park except:
 - a. One identifying sign at each entrance of the mobile home park no larger than 24 sq.ft. which may be indirectly lit, but not flashing.

 - b. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc.

- c. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than 10 sq.ft. and shall be limited to two signs per mobile home park.
- d. Mobile/manufactured homes address signs.

The styles and location of the identifying sign shall not interfere with vehicle sight distance and shall be constructed in accordance with the local sign regulations.

- 15. Storage: At least 300 cubic feet per lot of enclosed tenant storage facilities shall be conveniently provided near each mobile home lot for the storage of materials and equipment.
- 16. Fire Protection: Each lot shall be legibly marked for identification and easily accessible to emergency vehicles (permitting fire apparatus to approach within 100 feet).
- 17. Conversion: Restrictions: No subdivision which is approved under this Code and the Subdivision Ordinance as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval:
 - a. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.
 - b. No dwelling unit other than a manufactured housing unit shall be

located within the park.

18. **Liability for Violations: Regulations:** The owner of the mobile home park or the applicant, its successor, or assigns shall be liable for violations of the conditions of subdivision approval for a mobile home park. The owner or applicant shall establish and enforce appropriate mobile home park regulations to assure compliance with such conditions, including off-street parking requirements on private roadways and refuse disposal.

19. **Safety Standards:** The purpose of these standards is to establish a condition of safety that will allow the home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of the death or serious personal injury to its inhabitants or other residents of the park.
 - a. These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the national Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.
 - i. All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or winds uplifts that may occur.

ii. A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA31 Installation of Oil Burning Equipment and adopted by that Board, or other applicable standards.

iii. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical code in effect at the time the home was constructed.

S. Open Space Developments

1. Purpose: The purpose of these standards is to allow for flexibility in the design of housing developments to allow for the creation of open space which conserves agricultural and forestland, provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed unless specifically allowed. Notwithstanding provisions of the Zoning Ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances.
2. Application Procedure: The Board may allow lots within subdivisions to be reduced in area and width below the minimum normally required by this Ordinance in return for open space where the Board determines that the

benefits of the cluster approach will decrease development costs, preserve agricultural and forest land or prevent the loss of natural features without increasing the net density of the development. The number of buildable lots or dwelling units in the cluster/open space development shall not exceed the number of lots or dwelling units in a standard subdivision unless expressly permitted in the Zoning Ordinance.

Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the agricultural, forest land or natural features which will be preserved or enhanced by the cluster approach.

3. Basic Requirements: The Board, in reviewing and approving development proposals containing an area of at least ten acres, may modify the minimum requirements for lot area, lot width, road frontage and yard space which would otherwise apply pursuant to existing Town ordinances provided that the following standards are met:
 - a. Overall density of the development shall not exceed the number of units on land suitable for buildings which would otherwise be allowed if the land were subdivided in a conventional manner unless the Zoning Ordinance provides for a density bonus.
 - b. Residual open space created by reduction in lot sizes shall be permanently and legally preserved as open space. Land dedicated to permanent open space shall be in such condition, size and shape as to be readily usable for agriculture, forestry, recreation or conservation. The developer of any open space development shall make suitable provisions for the permanent maintenance of open

space areas, by one of the following methods:

- 1) dedication of such open space to public use, if the Town or other public agency has indicated, it will accept such dedication; or
- 2) provide for and establish one or more organizations for the ownership and maintenance of all common open space and property. Such organization shall be either a nonprofit homeowners corporation or land trust. If a homeowners corporation or open space trust is formed, it shall be governed by the following: (1) the organization shall be organized by the developer and operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development; (2) membership in the organization shall be mandatory for all purchasers of homes therein and their successors; (3) the organization shall be responsible for maintenance of common open space and property and for insurance and taxes on such common open space and property; (4) the members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them; and (5) the organization shall administer the common facilities and maintain the common open space; or
- 3) where the open space is comprised of woodlands, the Board may require the submission of a forestry management plan.

4. Procedures for review of open space development proposals.
 - a. The Board shall review any proposal for a open development as provided by this Subdivision Ordinance.
 - b. In addition to information required in other sections of this Ordinance, the following will be provided in the application:
 - 1) A legal description of the total site proposed for development including a statement of present and proposed ownership, present zoning, property tax map reference numbers, and the names and addresses of adjacent property owners.
 - 2) A description of the character of the proposed development and the rationale behind the assumptions and choices made regarding the development.
 - 3) A development schedule indicating the approximate date when construction of the cluster development can be expected to begin and be completed.
 - 4) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures, approximate gross and net residential densities; total amount of improved open space; total amount of unimproved open space.
 - 5) Tentative proposal for the maintenance and conservation of common open space.

- 6) The conditions of dedication of any parcels of land to be dedicated to public use.
5. Common Land Maintenance: Prior final approval by the Board, the Selectmen shall review all provisions for upkeep of common or public land or facilities within the open space development. In cases where land or facilities are to be deeded over to the Town, said transactions shall be finalized or a date for completion of improvements on said land or facilities and the finalizing of said transactions shall be set, and approval shall be granted. In cases where common land or facilities are not to be deeded to the Town, the Board shall grant final approval if the conditions of ownership and maintenance are consistent with those conditions set out and approved in the application.
6. In order to determine the maximum number of dwelling units permitted on a tract of land, the parcel shall be divided by the minimum lot size required by the zoning ordinance. For cluster developments in the Prime Agricultural and Rural Residential Districts, the provisions contained in Section 3.G. shall also be complied with. No building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.
7. Maximum reduction in the size of individual lots and road frontage shall not be more than 50%. Shore frontage shall not be reduced.
8. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced

below the minimum lot area normally required by the zoning ordinance. No less than 50% of the reserved open space shall be usable open space.

9. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.
10. The distance between buildings shall not be less than 50 feet.
11. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
12. Shore frontage shall not be reduced below the minimum normally required by the Shoreland Zoning Ordinance.
13. Where a open space development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

SECTION 9. Street and Storm Drainage Design and Construction Standards

A. General Requirements

1. All streets proposed as an element of a subdivision shall comply with the Town of Leeds Street Construction Ordinance.
2. All street designs as required by the Town of Leeds Street Construction Ordinance shall be submitted as an element of the Subdivision Application as required by this Ordinance.

B. Storm Water Management Design Standards

1. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of ditches, swales, culverts, underdrains, and storm drains in conformance with the policies of the comprehensive plan. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains, except where retention basins are designed or ground water recharge is desirable.
2. Where a subdivision is traversed by a stream, river or surface water drainageway, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.
3. All components of the storm water management system shall be designed to limit peak discharge rates to predevelopment levels for the 2 year, 10 year and the 25 year frequency, 24 hour duration storms, based on rainfall data provided by the Soil Conservation Service. When the subdivision discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.
4. Downstream drainage requirements shall be studied to determine the effect

of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

5. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials which reduce water velocity.

SECTION 10. Performance Guarantees

A. Types of Guarantees. With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

1. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account.
2. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers.
3. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers.

4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of a consulting engineer, Public Works Director and municipal officers.

- B. Contents of Guarantee. The performance guarantee shall contain construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.
- C. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.
- D. Performance Bond. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and

the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

E. Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

F. Conditional Agreement. The Board, at its discretion may permit for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no lots may be sold or built upon until either:

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or

2. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded by the subdivider at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 10.G. Proof of recording shall be provided by the subdivider to the Board.

G. Phasing of Development. The Board may approve plans to develop a major

subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

- H. Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- I. Default. If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.
- J. Privately-Owned Roads. Where the subdivision streets are to remain privately-owned roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

- K. Improvements Guaranteed. Performance guarantees shall be tendered for all improvements required by Section 8. of these regulations, as well as any other improvements required by the Board.

SECTION 11. Waivers

- A. Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the Subdivision Statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance or these regulations.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, the Zoning Ordinance or these regulations, and further provided the performance standards of these regulations and the criteria of the Subdivision Statute have been or will be met by the proposed subdivision.

In granting waivers to any of these regulations in accordance with Article 11.A, the Board shall require such conditions as will assure the purposes of these regulations are met.

B. Waivers to be shown on Final Plan

When the Board grants a waiver to any of the improvements required by these regulations, the Final Plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

C. Certificate of Waiver

1. In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded in the registry of deeds. This certificate must:
 - a. Indicate the name of the current property owner;
 - b. Identify the property by reference to the last recorded deed in its chain of title; and
 - c. Indicate the fact that a variance, including any conditions of the variance, has been granted and the date of the granting.
2. The variance is not valid until recorded as provided in this paragraph. Recording must occur within 90 days of the final subdivision approval or approval under Title 38, chapter 3, subchapter I, article 6, where applicable, whichever date is later, or the variance is void.

SECTION 12. Amendments

- A. Initiation of Amendments. An amendment to this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the Board has so voted;
 2. Request of the municipal officers; or
 3. Written petition of at least 25 voters registered to vote in Leeds.
- B. 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 municipality at least ten (10) days prior to the hearing.
- C. Adoption of Amendment. An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

SECTION 13. Appeals

An aggrieved party may appeal any decision of the Board under this Ordinance within 30 days from the date of that decision to Androscoggin County Superior Court.

SECTION 14. Amendment Fees

- A. The fee for any amendment when the number of lots remain the same, and there is no substantial change to roads or drainage systems, shall be \$25.
- B. The fee for any amendment, when three or less new lots are created, shall be a \$25 publishing and notice fee and \$25 for each new lot created.

- C. The fee for amendment, when there are substantial changes to roads and drainage systems or more than three lots are created, shall be all fees and required by a new application.

ARTICLE IV

TOWN OF LEEDS

STREET CONSTRUCTION ORDINANCE

Adopted: December 14, 1991

Amended: March 6, 1993

Amended: June 7, 2003

Amended: June 4, 2005

Amended: June 7, 2014

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ARTICLE IV

TOWN OF LEEDS STREET CONSTRUCTION ORDINANCE

SECTION 1. Statement of Purpose (Amended 7 June 2003)

The purpose of this Ordinance is to promote the health, safety and public welfare of the residents of Leeds through establishing minimum construction standards for streets, roads and driveways.

SECTION 2. Authority, Administration and Effective Date

- A. Authority: This Ordinance is enacted pursuant to and consistent with Article VIII-A, Part 2, Section 1 of the State of Maine Constitution and Title 30-A, M.R.S.A. Section 3001 (Home Rule).
- B. Administration: This Ordinance shall be administered by the Planning Board with assistance from the Road Commissioner.
- C. Effective Date: The effective date of this Ordinance is December 14, 1991, which was the date of adoption by the Town Meeting.

SECTION 3. Applicability (Amended 7 June 2014)

- A. New Construction: This Ordinance shall apply to the construction of all new streets within the Town whether public or private and common driveways. No street shall be accepted by the Town unless it meets the provisions of this Ordinance relating to standards for public streets.
- B. Alterations: Alterations, widening and improvements shall be consistent with Section 7., Street Construction Standards of this Ordinance. (The Town of Leeds shall be exempt from the provisions of this Ordinance when the Town undertakes alterations, widening and improvements.)
- C. Higher Design and Construction Standard: Nothing in this Ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods or higher quality materials.

D. Family Developments: Streets contained within a family development shall be exempt from the provisions of this Ordinance provided that the minimum right-of-way width contained in Section 7.1. and the following are met.

1. All state and federal laws shall be complied with by the owner.
2. The Public Works Director and/or Code Enforcement Officer shall approve the entrance location to a public street and assures that unsafe conditions will not exist.
3. Should more than two lots be sold in the family development during any five (5) year period, the road shall conform to all provisions of this Ordinance.
4. No streets constructed under this exemption shall be accepted as a public road unless it meets all standards for public acceptance.

SECTION 4. Application Procedures

Prior to the construction of any new street, common driveway or the reconstruction or lengthening of an existing street, four copies of the application and plans shall be submitted to the Board at least one week prior to a scheduled meeting of the Board with the following information in the application.

A. Submission Requirements

1. The name(s) of the applicant(s);
2. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located;
3. A statement of any legal encumbrances on the land upon which the proposed street is to be located;
4. The anticipated starting and completion dates of each major phase of street construction;
5. A statement indicating the nature and volume of traffic expressed in Average Daily Traffic expected to use the proposed street; and
6. A statement of the technical and financial capacity of the applicant to carry out the project.

B. Plans: The plans and illustrations submitted as part of the application shall be prepared by a Professional Engineer to include the following information.

1. Detailed construction drawings showing a plan view, profile and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than 50 feet. The vertical scale of the profile shall be one inch equals no more than 5 feet. The plans shall include the following information:
2. Date, scale and north point indicate magnetic or true and date read.
3. The starting and ending point with relation to established roads, streets or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationings.)
4. The roadway and roadway limits in relation to existing buildings and established landmarks.
5. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements and building lines.
6. The lots, if any, as laid out and numbered on said street, showing the names of all owners of abutting property.
7. All natural waterways and watercourses in or on land contiguous to the said streets or ways.
8. The kind, size, location, profile and cross section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways.
9. A soil erosion and sedimentation control plan showing interim and final control provisions.
10. Curve data for all horizontal and vertical curves shall be the centerline radius, arc length, beginning of curve and end of curve points.
11. All centerline gradients shall be shown and expressed as a percent.
12. All curve and property line radii of intersections.
13. The limits and location of any proposed sidewalks and curbing.
14. The location of all existing and proposed overhead and underground utilities, to include, but not limited to, the following: (NOTE: When a location, in the case of any underground utility, is an approximate, it shall be noted on the plan as such.)

- a. storm drains;
- b. telephone line poles or underground vaults;
- c. electrical powerline poles or underground vaults;
- d. street lights.

15. The location of significant view locations as identified in the Comprehensive Plan.

16. The name(s) of each proposed new road or street.

- C. Upon receipt of plans for a proposed public street, the Board shall forward one copy to the Municipal Officers, Public Works Director and Fire Chief for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Public Works Director and Fire Chief for review and comment.
- D. Streets Within Proposed Subdivisions: Streets proposed as part of a subdivision as defined in the Town of Leeds' Subdivision Ordinance shall be submitted to the Planning Board as an integral part of the Subdivision Application. Plans shall conform to the provisions of this Ordinance and the Town of Leeds Subdivision Ordinance.
- E. Application Fee: An application fee of \$50 shall be paid to the Town of Leeds upon submission of an application. The Selectmen shall have the authority to review and revise the application fee after conducting a public hearing. The application fee shall be waived if the street is being reviewed as an element of a Subdivision Application.
- F. Submission Waivers: The Planning Board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the Town.

SECTION 5. Application Review

- A. Complete Application: Within 30 days from the date of receipt, the Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make the application complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.

- B. Application Approval: The Board shall, within 30 days of a public hearing, or within 60 days of having received the completed application 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 this Ordinance and to preserve the public health, safety and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.
- C. Public Hearing: The Board may hold a public hearing within 30 days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant, all property owners abutting the proposed street and published in a newspaper of general circulation in Leeds at least two times the date of the first publication shall be at least seven days prior to the hearing.

SECTION 6. Public Acceptance of Streets

- A. The approval by the Planning Board of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the municipality of the street. Final acceptance of a proposed public street shall be by an affirmative vote of a Town Meeting.
- B. Where the proposed streets are to remain privately-owned, the following words shall appear on the recorded plan. "All roads shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

SECTION 7. Street Design Standards

- A. These design standards shall be met by all streets and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts and other appurtenances.
- B. Streets shall be designed to discourage through traffic within a residential subdivision.
- C. The character, extent, width and grade of all streets shall be considered in their relation to existing or planned streets.
- D. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this Ordinance), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements.

- E. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deeds of any lot with frontage on the arterial street.
- F. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- G. Unpaved privately-owned streets shall not serve more than eight dwelling units.
- H. When a street will be constructed or altered, suitable shoulders and/or turnouts shall be provided at significant view locations.
- I. The following design standards apply according to street classification.

Description	Arterial	Collector	Minor ¹	Privately Owned Street ¹	Industrial/ Commercial	Mobile Home Park ⁵
Minimum right-of-way width	80 feet	60 feet	50 feet	50 feet	60 feet	23 feet
Minimum pavement width/travelway width	44 feet	24 feet	22 feet	20 feet	30 feet	20 feet
Sidewalk width	8 feet	5 feet	5 feet	5 feet	8 feet	n/a
Minimum grade	.5 percent	.5 percent	.5 percent	.5 percent	.5 percent	.5 percent
Maximum grade ²	5 percent	6 percent	12 percent	12 percent	5 percent	10 percent
Minimum centerline radius	500 feet	280 feet	280 feet	175 feet	400 feet	150 feet
Minimum tangent between curves of reverse alignment	300 feet	200 feet	100 feet	100 feet	300 feet	100 feet
Roadway crown	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.
Minimum Angle of street intersections ⁴	90 degrees		90 degrees		75 degrees	75 degrees 90 degrees 75 degrees
Maximum grade within 75 ft. of intersection	3 percent	3 percent	3 percent	3 percent	3 percent	3 percent
Minimum curb radii at intersections	30 feet	25 feet	20 feet	20 feet	30 feet	30 feet
Minimum r-o-w radii at intersections	20 feet	10 feet	10 feet	10 feet	20 feet	10 feet
Minimum width of shoulders (each side)	5 feet	3 feet	3 feet	3 feet	5 feet	n/a

¹Minor Streets located in the General Residential District as defined in the Town of Leeds Zoning Ordinance may reduce minimum pavement width to 18 feet.

²Maximum grade may be exceeded for a length of 100 feet or less.

³Gravel surfaces shall have a minimum crown of 3/4 inch per foot of lane width.

⁴Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

⁵Streets in Mobile Home Parks must also comply with the standards set forth in the Town of Leeds Subdivision Ordinance.

- J. The centerline of the roadway shall be the centerline of the right-of-way.
- K. Deadend Streets: In addition to the design standards above, deadend streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60 feet; outer edge of pavement: 50 feet. The Board may require the reservation of a 20 foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a 60 foot easement in line with the street to provide continuation of the road where future subdivision is possible.

L. Grades, Intersections and Sight Distance

- 1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- 2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	20	25	30	35
Stopping Sight Distance (ft.)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3.5 feet and the height of object at 4.25 feet.

- 3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblines or edge of with the height of the eye 3.5 feet, to the top of an object 4.25 feet above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55	
Sight Distance		250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- 4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

M. Sidewalks: Where the Planning Board requires the installation of sidewalks, they shall meet these minimum requirements.

1. Bituminous Sidewalks

- a. The subbase aggregate course shall be no less than 12 inches thick after compaction.
- b. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

2. Portland Cement Concrete Sidewalks

- a. The subbase aggregate shall be no less than 12 inches thick after compaction.
- b. The Portland Cement concrete shall be reinforced with 6 inch square, number 10 wire mesh and shall be no less than 4 inches thick.

SECTION 8. Street Construction Standards

A. Minimum thickness of material shall meet the specifications in the table below, after compaction.

MINIMUM REQUIREMENTS

	Arterial	Collector	Minor	Privately Owned Street	Industrial Commercial	Mobile Home Parks
Aggregate subbase course (max. sized stone 6") -With subbase gravel -Without subbase gravel	20" 24"	15" 18"	15" 18"	15" 18"	20" 24"	15" 18"
Crushed Aggregate Base Course (if necessary)	4"	3"	3"	3"	4"	3"
Hot Bituminous Pavement(1) - Total Thickness - Surface Course - Base Course	3" 1 1/4" 1 3/4"	3" 1 1/4" 1 3/4"	2 1/2" 3/4" 1 3/4"	2 1/2"(1) 3/4" 1 3/4"	4" 1 1/4" 2 3/4"	2 1/2" 3/4" 1 3/4"
(1) When paved						

B. Preparation

1. Before any clearing has started on the right-of-way, the centerline and side lines of the new road shall be staked or flagged at 50 foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled ways, shoulders, sidewalks, drainageways and utilities shall be cleared of all stumps, roots, brush and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials shall be removed to a depth of 2 feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of 2 feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of 2 feet below the subgrade and replaced with material meeting the specifications for gravel aggregate subbase below; or a MDOT approved stabilization geotextile may be used.
4. Except in a ledge cut, side slopes shall be not steeper than a slope of 3 feet horizontal to 1 foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the Erosion and Sedimentation Control Plan.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

C. Bases and Pavement

1. Bases

- a. The Aggregate Subbase Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements.

Sieve Designation	Percentage of Weight Passing Square Mesh Sieves
1/4 inch	5 - 70%
No. 40	0 - 30%
No. 200	0 - 7%

- b. If the Aggregate Subbase Course is found to be not fine-gradeable because of large stones, then a minimum of 3 inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading requirements:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45 - 70%
1/4 inch	30 - 55%
No. 40	0 - 20%
No. 200	0 - 5%

Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.

2. Pavement Joints.

- a. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3. Pavements.

- a. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by

weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

- b. Minimum standards for the surface layer of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

4. Surface Gravel

Privately-owned streets serving eight or less dwelling units need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than 2 inches in size and meet the following gradation:

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
2 inch	95 - 100%
1/2 inch	30 - 65%
No. 200	7 - 12%

SECTION 9. Common Driveways (Amended 7 June 2014)

A. Common Driveways

1. Common driveways may serve two single-family dwelling units. The Public Works Director and/or Code Enforcement Officer shall review and approve all plans for common driveways.
2. The following design and construction standards shall apply to common driveways.

Minimum right-of-way width	50 feet
Minimum travel width	12 feet
Maximum grade	15 percent
Minimum angle of street intersections	75 percent
Minimum grade within 30 feet of intersections	3 percent
Minimum r/o/w radii at intersections	10 feet
Minimum thickness of common driveway material after compaction	15 inches

3. Erosion and Sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.
4. Deeds to lots, proposed to be accessed by a common driveway, shall include a driveway maintenance agreement to be reviewed and approved by the Board.
5. New proposed common driveways shall meet the site distance requirements as specified in SECTION 7, L.3. of this article.

B. Private Driveways

1. Private driveways may serve only one dwelling unit. The Public Works Director and/or Code Enforcement Officer shall review and approve all plans for private driveways.
2. Erosion and Sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.
3. New Proposed driveways shall meet the sight distances requirements as specified in SECTION 7, L.3. of this article.

SECTION 10. Additional Improvements and Requirements

- A. Erosion and Sedimentation Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and clean-up stages.
- B. Clean-up: Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded.
- C. Street Names, Signs and Lighting: Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the town, and shall be subject to the approval of the Board after input from the Fire Chief. The developer shall install street name, traffic safety and control signs meeting Town specifications. Street lighting shall be installed as approved by the Board.

SECTION 11. Certification of Construction

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the, certifying that the proposed way meets or the design and construction requirements of these built" plans shall be submitted to the Municipal Officers.

SECTION 12. Performance Guarantees (Amended 7 June 2003)

- A. Types of Guarantees: With submittal of the application for a street approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs, taking into account the time-span of the construction schedule and the inflation rate for construction costs.
1. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
 2. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers;
 3. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate, approved by the Municipal Officers; or
 4. The Board, at its discretion, may permit for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the application on the condition that no lots may be sold or built upon until either:

- a. It is certified to the Board that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
 - b. A performance guarantee, acceptance acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.
- B. Contents of Guarantee: The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.
- C. Escrow Account: A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant except for any portion of the interest earned which was needed, in addition to the principle of the escrow account, to pay for completion of the required improvements.
- D. Performance Bond: A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the project for which approval is sought.
- E. Letter of Credit: An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the street and may not be used for any other project or loan.
- F. Release of Guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- G. Default: If, upon inspection, it is found that any of the required improvements have not been constructed in accordance the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take steps necessary to preserve the Town's rights.

- H. Privately-Owned Roads: Where streets are to remain privately-owned roads, the following words shall appear on the recorded plan. "All roads shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town".

SECTION 13. Inspection

- A. Notification of Construction: At least 5 days prior to commencing street construction or alteration of roads, the applicant shall notify the Code Enforcement Officer in writing of the time when he proposes to commence construction so that the municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction.
- B. Noncompliance with plan: If it is found, upon inspection, that the street or is not being or has not been constructed in accordance with the approved plans and specifications, the inspector shall so report to the municipal officers and Planning Board. The Municipal Officers shall then notify the applicant, and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security or bond.
- C. Modification During Construction: If at any time before or during the construction of the street it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the street, the appointed inspector may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval. The appointed inspector 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.
- D. Inspection Fee: The Board may assess the applicant a fee to cover the costs of construction inspection.

SECTION 14. Waivers

- A. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of ordinance in order to provide relief from the hardship in question, to permit a more practical and economical development or for family developments provided, however, that the public health, safety and welfare will not be comprised and further provided that the waivers in question will not have the effect of nullifying the effect of this Ordinance.
- B. In granting waivers to any provision of this Ordinance in accordance with Section

14.A., the Board shall require such conditions as that will assure the objectives of this Ordinance are met.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 15. Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 16. Appeals

An appeal maybe taken within 30 days from the Board's decision on the application, by any party to Superior Court in accordance with Rule 80B. of the Maine Rules of Civil Procedure.

SECTION 17. Amendments

- A. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
1. The Planning Board, provided a majority of the Board has so voted;
 2. Request of the Municipal Officers; or
 3. Written petition of at least 25 voters registered to vote in Leeds.
- B. 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 municipality at least ten (10) days prior to the hearing.
- C. Adoption of Amendment: An amendment of this Ordinance shall be adopted by a majority vote of the Town Meeting.

AMENDED: June 7, 2003

AMENDED: June 4, 2005

AMENDED: June 7, 2014

ARTICLE V

TOWN OF LEEDS

FLOODPLAIN MANAGEMENT ORDINANCE

Adopted: June 2001
Amended: June 1, 2002
Amended: June 1, 2013
Amended: June 7, 2014

**ARTICLE V
FLOODPLAIN MANAGEMENT ORDINANCE**

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SECTION 1 - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Leeds, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Leeds, Maine has chosen to continue as a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Leeds, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Leeds has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Leeds having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Leeds, Maine.

The areas of special flood hazard, Zones A and AE for the Town of Leeds, Androscoggin County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Androscoggin County, Maine" dated July 8, 2013 with accompanying "Flood Insurance Rate Map" dated July 8, 2013 with panels: 102E, 104E, 106E, 107E, 108E, 109E, 116E, 117E, 118E, 119E, 126E, 128E, 130E, 136E, 137E, 140E, 206E, 207E, 226E, 228E, 230E, derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Androscoggin County, Maine" are hereby adopted by reference and declared to be a part of this Ordinance.

The effective date of this Ordinance shall be July 8, 2013.

SECTION 2 - PERMIT REQUIRED

Before any construction or other development (as defined in Section 13), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 1, a Flood Hazard Development Permit shall be obtained from the Planning Board or Code Enforcement Officer, as specified. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Leeds, Maine.

SECTION 3 - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

A. The name, address and phone number of the applicant, owner, and contractor;

- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zone AE, from data contained in the “Flood Insurance Study – Androscoggin County, Maine” as described in Section 1; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265), including information obtained pursuant to Sections 6.K. and 8.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Section 6;

- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Section 6 by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Section 3.H.4., Section 6.G., and other applicable standards in Section 6;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Section 6.2.a.;
 - 3. a certified statement that bridges will meet the standards of Section 6.M.;
 - 4. a certified statement that containment walls will meet the standards of Section 6.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Section 6 will be met.

SECTION 4 - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50.00 for new construction or substantial improvement or \$25.00 for minor development shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board and/or Board of Appeals need the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

SECTION 5 - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board and/or Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Section 6 (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study – Androscoggin County, Maine" as described in Section 1;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board and/or Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Section 3.H.1.b., Section 6.K., and Section 8.D., in order to administer Section 6 of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Section 3.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 1 of this Ordinance;
 - D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
 - E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
 - F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 1. The Planning Board shall issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Section 6, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. The Planning Board shall issue a Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Section 6.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. The Code Enforcement office shall issue a Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Section 6.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 9 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Section 3, 6, and 7 of this Ordinance.

SECTION 6 - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. **All Development** - All development shall:
 - 1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. use construction materials that are resistant to flood damage;
 - 3. use construction methods and practices that will minimize flood damage; and,
 - 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
 - 1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, with the exception of Zone AE on Androscoggin Lake, which shall have the lowest floor elevated to at least four feet above the base flood elevation.
 - 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 3.H.1.b., Section 5.B., or Section 8.D.

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, with the exception of Zone AE on Androscoggin Lake, which shall have the lowest floor elevated to at least four feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation with the exception of Zone AE on Androscoggin Lake, which shall be floodproofed to at least four feet above the base flood elevation, so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 3.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Section 3.H.1.b., Section 5.B., or Section 8.D.; or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Section 6.G.1.

H. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zone AE shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation; with the exception of Zone AE on Androscoggin Lake, which shall have the lowest floor elevated to at least four feet above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
 - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

- (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
- (3) all components of the anchoring system described in Section 6.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Section 6.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Section 3.H.1.b., Section 5.B., or Section 8.D.; and
- b. meet the anchoring requirements of Section 6.H.1.c.

I. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 6.H.1.

J. **Accessory Structures** - Accessory Structures, as defined in Section 13, located within Zones A, and AE, shall be exempt from the elevation criteria required in Section 6.F. & G. above, if all other requirements of Section 6 and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Section 6.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Section 6.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37).
3. In Zones A and AE riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. Enclosed Areas Below the Lowest Floor - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Section 6, including the elevation requirements of Section 6, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Section 13;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

- (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
- (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. **Bridges** - New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Section 6.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A and AE shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 3.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water and seaward of mean high tide, if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

SECTION 7 - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Section 6, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the Elevation Certificate and the applicant's written notification; and,
 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

SECTION 8 - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Section 6 of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also

be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

SECTION 9 - APPEALS AND VARIANCES

The Board of Appeals of the Town of Leeds may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Section 9 and Section 6.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Section 9, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Section 9, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
 2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
 4. The person filing the appeal shall have the burden of proof.
 5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
 6. The Board of Appeals shall submit to the Planning Board and Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

SECTION 10 - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

SECTION 11 - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 12 - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

SECTION 13 - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Section 1 of this Ordinance.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones A or AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Section 6.L..

Elevation Certificate - An official form (FEMA Form 81-31) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port

facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Section 6.L. of this ordinance.

Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures

as provided for in Section 6.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first

placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

SECTION 14 - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

Adopted: June 2, 2001

Amended: June 1, 2002

Amended: June 1, 2013

ARTICLE VI

TOWN OF LEEDS

HAZARDOUS WASTE ORDINANCE

Adopted: March 6, 1982

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ARTICLE VI

TOWN OF LEEDS HAZARDOUS WASTE ORDINANCE

The Town of Leeds, by vote in Town Meeting on March 6, 1982, hereby adopts the following ordinance:

1. This ordinance shall be known as the "Hazardous Waste Ordinance of the Town of Leeds, Maine (Adopted 1982)."
2. For purposes of this ordinance:
 - a. The definition of "hazardous waste" shall be set forth in 38 M.R.S.A. Section 1303 (5), and
 - b. The definition of "commercial hazardous waste facility" shall be that set forth in 38 M.R.S.A. Section 1303 (1-B).
3. No person shall construct, develop, establish, own, control, or maintain any site within this Town that does or is designed to handle, store, refine, process, or dispose of any hazardous waste within this Town without first obtaining and maintaining in effect a permit from the Planning Board of the Town of Leeds.
4. The requirements of Section 3, above, shall not apply to any "commercial hazardous waste facility."
5. A permit may be requested from the Planning Board by filing an application with the Board, accompanied by a fee of \$500.00. The application must describe:
 - a. The operations that will take place if the permit is granted and the facilities that will be located at the site;
 - b. The nature and quantity of the hazardous waste that will or may be present on the site; and
 - c. The exact location of the site.
6. A permit under this ordinance shall be issued only after the applicant has demonstrated to the Planning Board:

- a. That the applicant has complied with all applicable rules of the Maine Board of Environmental Protection, adopted pursuant to 38 M.R.S.A. Sections 1303-A (4), 1304 (1), and 1304 (2), or any other legislative authorization to make rules governing waste facilities, and has obtained and maintained any license or permits required by such rules;
 - b. That, whether or not a particular operation or site constitutes a "waste facility" as defined in 38 M.R.S.A. Section 1303 (14), the applicant is fit, willing and able to comply with all applicable rules relating to the handling of hazardous wastes and the transportation of hazardous wastes, as adopted by the Board of Environmental Protection of the State of Maine pursuant to 38 M.R.S.A. Sections 1303-A (2) and 1303-A (3), or other appropriate statutory authority; and
 - c. That the applicant has complied applicable rules relating to the financial capacity of hazardous waste facilities and transporters of hazardous wastes, as adopted by the Board of Environmental Protection of the State of Maine, pursuant to 38 M.R.S.A. Section 1303-A (5), or other appropriate statutory authority.
7. In all proceedings necessary to demonstrate to the Planning Board that the applicant for a permit under this ordinance has met the standards set forth in Section 6, above, the burden of proof shall rest on the applicant.
 8. The Planning Board may attach to any permit granted under this section such conditions or limitations as may be necessary or appropriate to assure that the applicant continues to meet the standards set forth in Section 6, above, for the duration of the permit.
 9. All permits issued under this ordinance shall expire one year from the date of issuance, unless the Planning Board shall, where special circumstances require, establish an earlier expiration date. To allow continuity of operations, the Planning Board shall act on any application for a new permit that relates to construction or operations authorized by an existing permit within 45 days of the date on which the application is received.
 10. Any person, firm, or corporation that owns or controls a "commercial hazardous waste facility" as defined in 38 M.R.S.A. Section 1303 (1-B) shall pay to the Town of Leeds a fee for the operation or maintenance of such a facility in this Town equal to two percent (2%) of the annual billing of said facility to its customers. This fee shall be paid to the Town within 60 days of the date on which the annual books of account of the facility are closed.
 11. The Planning Board or the Board of Selectmen, upon finding that any provision of this ordinance or the conditions of a permit under this ordinance has been or is being violated, are authorized to commence legal action to enjoy or remedy such violations.

12. Any person who violates the provisions of this ordinance or the conditions of a permit issued under this ordinance shall be guilty of a civil violation, and on conviction shall be fined not less than \$100.00 nor more than \$1,000.00 for each violation. Each day that a violation continues shall be a distinct offense. A person convicted of a violation of this ordinance shall also be liable for court costs and reasonable attorney's fees incurred by the municipality.
13. Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

ARTICLE VII

TOWN OF LEEDS

NUCLEAR MATERIAL ORDINANCE

Adopted: March 5, 1983

ARTICLE VII

TOWN OF LEEDS NUCLEAR MATERIAL ORDINANCE

1. This ordinance, adopted by vote in Town Meeting on March 5, 1983, shall be known as the "Nuclear Materials Ordinance of the Town of Leeds, Maine (Adopted 1983).
2. For purposes of this ordinance "nuclear material" shall mean any product or substance whatsoever that is radioactive.
3. No person shall construct, develop, establish, own, control or maintain any site within this Town that does or is designed to refine, process, dispose of, or permanently store any nuclear material, nor shall any person refine, process, dispose of, or permanently store any nuclear material within this Town.
4. The Planning Board or the Board of Selectmen, upon finding that any provision of this ordinance has been or is being violated, are authorized to commence legal action to enjoin or remedy such violations.
5. A person who violates provisions of this ordinance shall be fined not less than \$100.00 nor more than \$100,000.00 for each offense. Each day that a violation continues shall be a distinct offense. A person convicted of a violation of this ordinance shall also be liable for court costs and reasonable attorney's fees incurred by the municipality.
6. Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

ARTICLE VIII

**TOWN OF LEEDS
LANDFILL ORDINANCE**

Adopted: October 23, 1989

ARTICLE VIII

TOWN OF LEEDS LANDFILL ORDINANCE

1. The Selectmen shall designate the time the sanitary landfill and recycling center will be open.
2. The sanitary landfill and recycling center shall not be used for junk vehicles, or parts thereof, rocks, dirt or fill, dead animals, dead fowl, or manure of any kind.
3. The use of the landfill and recycling center shall be restricted to waste generated in Leeds.
4. Anyone using the landfill and recycling center shall deposit his waste in designated areas.
5. No "dump picking" - tampering with or removal of any article - shall be allowed without the written permission of the Selectmen or oral permission of the dump attendant.
6. All material presented for recycling shall be clean and segregated as to type.
7. Any person, before disposing of tires or appliances at the sanitary landfill and recycling center, shall first pay the fee at and obtain a slip listing those items from the Town Office. The slip shall be presented and verified against the material at the landfill and recycling center. The fees charged shall reflect actual disposal costs and will be posted in the Town Office. Anticipated fees are:
 - a. The greater of \$1.00 or ten cents per pound,
 - b. Major appliances - \$5.00.
8. Any person found guilty of violation of these ordinances shall be subject to a fine equal to the greater of \$100.00 or twice the cost of properly disposing of illegally dumped items plus the court costs and legal fees.

ARTICLE IX

**TOWN OF LEEDS
PLANNING BOARD ORDINANCE**

Adopted: March 5, 1989

ARTICLE IX

TOWN OF LEEDS PLANNING BOARD ORDINANCE

1. Pursuant to municipal home rule authority in Article VIII, pt. 2, Section 1 of the Maine Constitution and 30 M.R.S.A. Section 2151-A, the Town of Leeds Planning Board, originally established in 1965, is hereby re-established subject to the provisions of this ordinance.
2. **Appointment**
 - a. Board members shall be appointed by the municipal officers and sworn by the clerk or other person authorized to administer oaths.
 - b. The board shall consist of (5) members and (2) alternate members.
 - c. The term of each member shall be (3) years, except for the initial appointment which shall be for (1, 2, and 3) years respectively. The term of office of an alternate shall be (1) year.
 - d. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding (12) month period. When a vacancy occurs, the chairman of the board shall immediately so advise the municipal officers in writing. The board may recommend to the municipal officers that the attendance provision be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.
 - e. A municipal officer may not be a member or alternate member.

3. Organization and Rules

- a. The board shall elect a chairperson, vice chairperson, and a secretary from among its members. The term of all offices shall be (1) year with eligibility for re-election.
- b. When a member is unable to act because of interest, physical incapacity, absence or any other reasons satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her stead.
- c. An alternate member may attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to sit for a member.
- d. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- e. The chairperson shall call at least one regular meeting of the board each month.
- f. No meeting of the board shall be held without a quorum consisting of (3) members or alternate members authorized to vote. The board shall act by majority vote; a majority shall consist of a minimum of (3) members or alternate members authorized to vote. Any vote for which a majority cannot be obtained will be tabled until the next regular meeting.
- g. The board shall adopt rules for transacting business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

4. Duties and Powers

- a. The board shall prepare and periodically update a Comprehensive Plan as defined by 30 M.R.S.A. Section 4961.
- b. The board shall perform such duties and exercise such powers as are provided by the Leeds Ordinance and the laws of the State of Maine.
- c. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

ARTICLE X

TOWN OF LEEDS

ZONING AND LAND USE DEFINITIONS

Amended: June 6, 2009

ARTICLE X

TOWN OF LEEDS ZONING AND LAND USE DEFINITIONS

A. Construction of Language

In the interpretation and enforcement of this Code, all words other than those specifically defined in the various ordinances shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Code and any map, illustration or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The word "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel."

The word "structure" includes the word "building."

The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "Town" or "municipality" means the Town of Leeds, Maine.

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

Adjacent Grade: means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Aggrieved Party: an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance; or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: the production, keeping, or maintenance, for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Alteration: any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders or in the use of a building. The term shall include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

Amusement Facility: any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens or discs, or whether activated through remote control by the management.

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

Arterial Street: a major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Authorized Agent: an individual or a firm having written authorization to act on behalf of a property owner. The authorization shall be signed by the property owner.

Automobile Body Shop: a business establishment engaged in body, frame or fender straightening and repair or painting and undercoating.

Automobile Graveyard: a place where two or more unregistered, unserviceable, discarded, worn-out or junked automotive vehicles, or bodies, or engines thereof are gathered together and may include the sale of used vehicles.

Average Daily Traffic (ADT): the average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Backlot: any lot or parcel of land that does not have frontage on a public or private road or lacks the minimum frontage as required under Article I. Section 3.F.

Basement: means any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast: any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

Boarding, Lodging Facility: any residential structure where lodging and/or meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

Boat Launching Facility: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bulk Grain Storage: establishments primarily engaged in the warehousing and storage of grain for resale or own use other than normal storage associated with on-site consumption.

Business and Professional Offices: the place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

Campground: land upon which one or more tents are erected or trailers are parked for temporary family recreational use for a fee on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground", and "tenting grounds."

Canopy (Shoreland Zoning): the more or less continuous cover formed by tree crowns in a wooded area.

Cemetery: property used for the interring of the dead.

Church: a building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services excluding school.

Club: any voluntary association of persons organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities, especially a clubhouse, are open to members and guests only and not the general public; and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities and social clubs generally.

Code Enforcement Officer: a person appointed by the municipal officers to administer and enforce this code.

Collector Street: a street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets and collectors of traffic from minor streets.

Commercial Hazardous Waste Facility: As defined in 38, M.R.S.A., Section 1303 as may be amended.

Commercial Recreation: any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: campgrounds, racquet and tennis clubs, health facility, amusement parks, golf courses, gymnasiums and swimming pools, etc., but not including bowling alleys or amusement centers, as defined herein.

Commercial School: an institution which is operated for profit, but is not authorized by the State to award baccalaureate or high degrees, which offers classes in various skills, trades, professions or fields of knowledge.

Commercial Use: the use of lands, buildings, or structures, other than a small enterprise, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Common Driveway: a vehicle accessway serving two dwelling units and meeting the standards as contained in Article IV, Section 8.

Community Center: a building which provides a meeting place for local, nonprofit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Complete Application: an application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Comprehensive Plan: comprehensive plan means a document or interrelated documents containing the elements established under Title 30-A, M.R.S.A. Section 4326, subsection 1 to 4, including the strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

Conforming: a building, structure, use of land, or portion thereof, which complies with the provisions of this Ordinance.

Congregate Housing: residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes.

Conservation Easement: a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Constructed: built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Day Care: homes and centers licensed as such by the Maine Department of Human Services.

Density: the number of dwelling units per lot of land.

Developed Area: any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Development: any manmade changes to improve or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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

Direct Watershed: that portion of the watershed which does not first drain through an upstream lake.

District: a specified portion of the municipality, delineated on the Official Zoning Map within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway (Shoreland Zoning): a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Dwelling: any building or structure or portion thereof designed or used for residential purposes.

1. Single-family dwelling: Any structure containing only one dwelling unit for occupation by not more than one family.
2. Two-family dwelling: A building containing only two dwelling units for occupation by not more than two families.
3. Multi-family dwellings: A building containing three or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit: a room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Emergency Operations: operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential Services: the construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines,

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

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

Expansion of Use: the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

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

Family Development: a development that would otherwise constitute a subdivision as defined by Title 30-A, Section 4401 but the development meets the exception because of a gift to a person related to the donor by blood, marriage or adoption.

Filling: depositing or dumping any matter on or into the ground or water.

Final Plan: the final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

Flood or Flooding: means:

1. a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; and
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
2. the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

Floodplain Management: means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

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

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

Forested Wetlands: freshwater wetland dominated by woody vegetation that is six meters (approximately 19.7 feet) tall or taller.

Forestry: the operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Foundation: the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts, or frost walls.

Freshwater Wetland: freshwater swamps, marshes, bogs and similar areas which are:

1. of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.
3. This definition does not include forested wetlands for the purposes of Shoreland Zoning (Article II).

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

Frontage, Road: the horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship

building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Functionally Water-Dependent Uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, waterfront dock facilities, boatyards and boat building facilities, navigation aides, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

Garage: an accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Government Office: a building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Great Pond: any inland body of water which in a natural state has a surface area in excess of ten 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 Article II, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Ground Cover (Shoreland Zoning): small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Hazardous Waste: as defined in 38 M.R.S.A. Section 1303 as may be amended.

Height of a Structure: the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

High Intensity Soil Survey: a soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Historic Structure: means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either : a) by an approved state program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in states without approved programs.

Hospital: an institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: a commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridors or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Increase in Nonconformity of a Structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback

requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual Private Campsite: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

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

Industrial or Commercial Street: a street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Industrial Park or Development: a subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Junkyard: a yard, field or other area used as place of storage for:

1. discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. discarded, scrap and junked lumber;
3. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material; and
4. garbage dumps, waste dumps and sanitary landfills.

Kennel: an establishment in which more than four dogs or four cats are sold, housed, bred, boarded or trained for a fee.

Level of Service: a description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1985 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Locally Established Datum: means, for purposes of this code, an elevation established for a specific site to which all other elevations at the site are referenced. The National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

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

Lot Area: the total horizontal area within the lot lines.

Lot, Corner: a lot at least two contiguous sides abutting upon a street or right-of-way.

Lot, Coverage: the percentage of a lot covered by all buildings, parking areas and impervious services.

Lot Lines: the lines bounding a lot as defined below:

1. Front Lot Line: Interior lots: the line separating the lot from a street or right-of-way. Corner lot or through lot; the line separating the lot from either street or right-of-way.
2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line at least dimension.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot, Minimum Area: the required lot area within a district for a single use. The lot area shall be determined on the basis of the "Net Residential Acreage Calculation" as contained in the Performance Standards section of this code.

Lot of Record: a parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds.

Lot, Shorefront: any lot abutting a body of water.

Lot, Through: any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width: the distance between the side boundaries of the lot measured at the front setback line.

Lowest Floor: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Article VI. of this code.

Manufactured Housing/Mobile Home Unit: means structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in 30-A MRSA section 4358(1). This definition should not be deemed to exclude pre-1976 mobile homes except that the Board may as a condition of subdivision approval restrict pre-1976 mobile homes.

Manufacturing: the making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Marina: a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and equipment, boat and tackle shops, and fuel service facilities.

Market Value: the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mean Sea Level: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

Mineral Exploration: hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. Mineral exploration shall not include testing for a quarry.

Mineral Extraction: any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Minimum Lot Width: the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland area, both lot lines shall be considered to be side lot lines.

Minor Street: a street with average daily traffic of less than 200 vehicles per day.

Mobile Home Park: a parcel of land under unified ownership approved by the Town of Leeds' Planning Board pursuant to the Town of Leeds Subdivision Ordinance and Mobile Home Park Ordinance for the placement of three (3) or more mobile homes.

Mobile Home Park Lot: mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality shall require a lot to be designated on a mobile home park plan.

Multi-Unit Residential: a residential structure containing three (3) or more residential dwelling units.

Native (Shoreland Zoning): indigenous to the local forests.

Neighborhood "Convenience" Stores: a store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

Net Residential Acreage: the area of a lot or lots which is usable for determining allowable densities as set forth in the Net Residential Acreage Calculations standard contained in the Performance Standards section of this code.

Net Residential Acreage: the total acreage available for the subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development as outlined in Section 10.3.

Net Residential Density: the number of dwelling units per net residential acre.

Net Residential Density: the average number of dwelling units per net residential acre.

New Construction: means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

Non-conforming condition: non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Code or subsequent amendment took effect.

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

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

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

Normal High-Water Line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Nursing Home: a privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Official Submittal Date: the date upon which the Board issues a receipt indicating a complete application has been submitted.

100 Year Flood: the flood having a one percent chance of being equalled or exceeded in any given year.

Open Space Development: a subdivision in which the lot sizes are reduced below those normally required which in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization.

Parks and Recreation: non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities,

restrooms, bath houses and the maintenance of such land and facilities. The term shall not include campgrounds or commercial recreation and amusement centers.

Permitted Use: uses which are listed as permitted uses in the various districts set forth in this code. The term shall not include prohibited uses.

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

Piers, Docks, Wharfs, Bridges and Other Structures and uses extending over or beyond the normal high-water line or within a wetland:

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

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

Planning Board: the planning board of the town of Leeds.

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

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

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

Privately-Owned Street: a residential street not including a street serving a mobile home park, which is not intended to be dedicated as a public way.

Professional Engineer: a professional engineer, registered in the State of Maine.

Public and Private Schools: primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

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

Public Utility: any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Quarry: a place where stone is excavated from rock.

Recent Floodplain Soils: the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles	Fryeburg	Hadley
Limerick	Lovewell	Medomak	Ondawa	Podunk
Rumney	Saco	Suncook	Sunday	Winooski

Reconstructed: the rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: a copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Recreational Facility: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

Repair: to take necessary action to fix normal damage or storm damage.

Replacement System: a system intended to replace:

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

Residential-based Service Business: certain limited business uses of residential premises which do not significantly detract from the residential character and tranquillity of the surrounding area, provided they are regulated. There are businesses at a residence, where the services are performed off the premises, and instances where the resident is employed by a service building and wishes to keep certain business vehicles or equipment at his personal residence for convenience, and the use is accessory and incidental to the residential use.

Examples of the types of service businesses covered by this definition include but are not limited to:

1. forest harvesters
2. excavation services
3. well drilling services
4. painting and/or building contractors
5. oil burner services
6. independent truckers
7. snowplowing services
8. automotive towing/wrecker services
9. art and crafts sold off premises
10. service businesses similar in operation to those listed above.

Residential Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Residual Basal Area (Shoreland Zoning): the average of the basal area of trees remaining on a harvested site.

Restaurant: an establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by

advertising, or by the servicing or packaging procedures, to take-out food or beverage for consumption outside the enclosed building.

Resubdivision: the division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Retail Business: a business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-way: all public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

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

Riverine: means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road (Shoreland Zoning): a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Seasonal Dwelling: a dwelling unit lived in less than seven months of the year and not the principal residence of the owner.

Service Business: establishments engaged in providing services for individuals and businesses such as laundries, beauty shops, barbershop, advertising and equipment leasing.

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

1. in the case of electric service

- a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
- b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

- a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
- b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: the minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

Setback (Shoreland Zoning): the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shopping Center: any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

Shore Frontage: the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.

Shoreline (Shoreland Zoning): the normal high-water line, or upland edge of a freshwater wetland.

Significant Scenic View Locations: points where scenic views can be accessed as identified in Leeds Comprehensive Plan.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

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

Slash (Shoreland Zoning): the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Small Enterprise: a commercial or industrial enterprise conducted in a dwelling unit or a structure accessory thereto which meets all the criteria for small enterprises as found in Article I. Section G.4. of the Leeds Zoning Ordinance (Land Use Standards). Additionally, any enterprise which meets all other criteria for small enterprises and requires licensing by a governmental agency, including but not limited to daycare, catering and vehicle inspection stations, shall be reviewed as a small enterprise.

Start of Construction: means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it

include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Stream (Shoreland Zone Article II): 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 waterbody or wetland within the Shoreland Zone.

Stream, River or Brook: river, stream or brook means a channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock.

Street: public and private ways such as alleys, avenues, highways, roads and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways, farm roads or logging roads.

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

Subdivision: for the purpose of this Ordinance, subdivision shall be as defined in Title 30-A, M.R.S.A. §4401.

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

Subsurface Sewage Disposal System: a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

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

Swimming Pool: an outdoor manmade receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground.

Timber Harvesting (Shoreland Zoning): the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting.

Tract, or Parcel, of Land: all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Tributary Stream (Shoreland Zoning, Article II): a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Undue Hardship: as used in the code, the words "undue hardship" shall mean all of the following:

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

A variance is not justified unless all elements are present in the case.

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

Usable Open Space: that portion of the common open space which, due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture.

In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

Use: the manner in which land or a structure is arranged, designed or intended, or is occupied.

Variance: a relaxation of the terms of this code where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship.

Variances permissible under this code are limited to height of buildings, structures, lot size, yard and open spaces sizes, and setbacks. No variance can be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the immediate or adjacent districts.

Vegetation (Shoreland Zoning): all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Veterinary Hospital or Clinic: a building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Volume of a Structure: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Warehousing/Storage: the storage of goods, wares and merchandise in a warehouse.

Water Body: any great pond, river, stream.

Water Crossing (Shoreland Zoning): any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland: a freshwater wetland.

Wetlands Associated with Great Ponds and Rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Woody Vegetation (Shoreland Zoning): live trees or woody, non-herbaceous shrubs.

Amended: June 6, 2009

ARTICLE XI

TOWN OF LEEDS

TOWN LAND & BEACH ORDINANCE

Adopted: June 14, 1997

ARTICLE XI

TOWN OF LEEDS TOWN LAND & BEACH ORDINANCE

SECTION 1. STATEMENT OF PURPOSE

The purposes of this Ordinance are to provide for the safe use of town-owned land and beach(es); to provide an orderly means for the maintenance and operation of the town beach(es); and assure the health, safety and general welfare.

SECTION 2. AUTHORITY AND EFFECTIVE DATE

- A. Authority: This Ordinance is enacted pursuant to and consistent with Article VIII A, Part Two Section One of the State of Maine Constitution and Title 30-A, M.R.S.A. Section 3001.
- B. Effective Date: The effective date of this Ordinance is March 6, 1993. Adoption of Amendment June 14, 1997 in reference to Section 4.0.

SECTION 3. APPLICABILITY

This Ordinance shall apply to the Stinchfield Beach; all town-owned property as defined on the Stinchfield Point Sketch Plan dated August 8, 1992; town-owned land adjacent to the Androscoggin River; and the land at Tri-Corner. This Ordinance shall not apply to the Tri-Corner Building.

SECTION 4. RULES

- A. No bottles, cans, or other trash shall be left. Users shall carry out what they carried in.
- B. There shall be no kindling or use of open fires except as herein provided:
 - 1. Wood fires for cooking purposes in fireplaces/fire rings provided by the town;
 - 2. Charcoal fires in metal charcoal braziers; and
 - 3. Self-contained camp stoves utilizing a connecting fuel supply.

- C. No persons shall cause any tree bush, or other vegetation, whether living or dead to be mutilated, cut, damaged, or severed. This provision shall not apply persons authorized to manage the property or authorized by the Board of Selectmen.
- D. Possession or consumption of alcoholic beverages is prohibited.
- E. The use of glass beverage containers is prohibited.
- F. All dogs shall be kept on a leash, and no dogs shall be permitted on the designated beach area or in the designated swimming areas.
- G. No watercraft shall be launched into the water or retrieved therefrom except at designated launching areas.
- H. No watercraft shall be moored or beached except while actually being launched into or retrieved from the water.
- I. There shall be no water skiing permitted from the beach.
- J. All motor vehicles and boat trailers shall be parked in designated areas for such.
- K. There shall be no body or hair washing except at any facilities provided for such.
- L. No person except a resident or landowner in the Town of Leeds, his/her immediate family, and accompanied guest will be allowed the use of Stinchfield Beach facilities.
- M. On all right-of-ways leading to the Town Beach and landing the maximum speed limit shall not exceed fifteen (15) miles per hour.
- N. No tents and/or overnight camping is permitted except the Selectmen may designate sites for such and provide for a permit system to authorize the use of such sites.
- O. The beach, landing and parking areas shall be closed to public use from 9:00 p.m. of every evening (per 1997 Annual Town Meeting) until 6:00 a.m. of the following morning; provided that this shall not prevent watercraft from being launched and/or retrieved during the hours closed, nor the leaving of unoccupied vehicles in designated areas pending return of watercraft. The Selectmen may alter the period of closure after posting and holding a public hearing in accordance with Section 7.B.

SECTION 5. ENFORCEMENT

This Ordinance may be enforced by and duly appointed law enforcement officer, as well as other individuals are designated by the Board of Selectmen.

SECTION 6. PENALTY

Any person found in violation of any provision of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A., Subsection 4452.

SECTION 7. AMENDMENTS

- A. Initiation of Amendments. An amendment to this Ordinance may be initiated by:
 - 1. Request of municipal officers; or
 - 2. Written petition of at least 25 votes registered to vote in Leeds.
- B. The Selectmen 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 municipality at least ten (10) days prior to the hearing.
- C. Adoption of Amendment. An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

SECTION 8. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

July 30, 1997

ARTICLE XII

TOWN OF LEEDS

SLUDGE MANAGEMENT ORDINANCE

Adopted: June 2, 2001

ARTICLE XII

TOWN OF LEEDS SLUDGE MANAGEMENT ORDINANCE

TITLE:

This Ordinance shall be known and cited as the “Town of Leeds Sludge Management Ordinance” and will be referred to herein as “this Ordinance.”

Article 1: Authority, Applicability and Availability

- 1.1** This Ordinance is adopted pursuant to 38 MRSA Section 1310-U, under municipal home rule authority granted by the Constitution of Maine, Article VIII, Part Second and Title 30-A, Section 3001. Municipalities may enact ordinances with respect to residual utilization and storage that contain standards the municipality finds reasonable, provided the standards contained in this Ordinance are in conformance with those contained in 38 MRSA Section 1301 et seq. and Chapter 419.
- 1.2** The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Leeds.
- 1.3** A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public during Town Office hours. Copies shall be made available to the public at reasonable cost to be charged to the person making this request. Notice of availability of this Ordinance shall be posted in the Town Office.
- 1.4** The Leeds *Wastewater Treatment Plant Sludge Moratorium Ordinance* enacted March 24, 2001, is hereby repealed with the enactment of this Ordinance.
- 1.5** This Ordinance shall not apply to homeowners using composted residuals.

Article 2: Purpose

- 2.1** The purpose of this Ordinance is to protect the health and safety of the residents of the Town of Leeds; to enhance and maintain the quality of the environment; and to conserve natural resources through regulation of storage and land application of sludge and other residuals.

The Town of Leeds desires to work in partnership with the Department of Environmental Protection by establishing in this Ordinance a local procedure for the following activities: public hearing process to review all land application sites, an inspection process to review all land spreading activities, notification process to keep the Town informed of all land spreading activities. This Ordinance also recognizes the agricultural value that sludge and other residuals can provide the Town's farms and forest land. The opportunity to use sludge and residuals on agricultural land enhances the ability of local farmers to improve the productivity of their land and further promotes the Town's interest in preserving the agricultural heritage of the community. Furthermore, the application of sludge and residuals represent a cost effective management strategy for a certain portion of municipal and special solid waste. The application of sludge and residuals on agricultural lands shall be performed in a manner that also recognizes the other land use activities that share the Town's rural landscape.

Article 3: Validity, Severability, and Conflict with Other Ordinances

- 3.1 Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section of this Ordinance.
- 3.2 Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code, or Statute, the more restrictive requirements shall apply.

Article 4: Appeals

- 4.1 An aggrieved party may appeal any final action taken by the Planning Board or Code Enforcement Officer to the Leeds Board of Appeals solely to review their actions for errors in applying this Ordinance.

Article 5: Amendments

- 5.1 This Ordinance may be amended by a majority vote of the Town. Amendments may be initiated by a request of the Planning Board, Selectmen, or by petition bearing the signatures of registered voters equal to, or in excess of 10% of the votes cast in the last gubernatorial election in the Town.

Article 6: Continuance of Existing Uses

- 6.1 Any land spreading of sludge or residuals or storage of sludge or residuals that are legally existing and operating with a permit from the Department of Environmental Protection within the Town of Leeds prior to the adoption of this Ordinance may continue, but be subject to the following requirements:

6.1.1 The expansion or enlargement of any existing activity shall require a permit and conform to the provisions of this Ordinance for the new, expanded area.

6.1.2 The applicant shall obtain a permit within 12 months of the effective date of this Ordinance and shall conform to the requirements established for permits.

Article 7: Effective Date

7.1 Having been adopted by the voters on the effective date of this Ordinance shall be June 2, 2001.

Article 8: Definitions

In addition to those terms defined below, all terms as defined by the currently adopted Department of Environmental Protection Chapter 400 are adopted for the purposes of this Ordinance. See Appendix A for the Chapter 400 definitions.

8.1 Applicant

The term applicant refers to the owner and/or operator of the wastewater treatment plant or generator of the sludge or residual, or any person who alone or in conjunction with others owns real property upon which is located a land spreading site or storage facility.

8.2 Expansion or Enlargement

The expansion or enlargement of an activity shall mean the increase in the size or capacity of an operation regulated under this Ordinance and shall include the following: construction or enlargement of any building or structure, new spreading sites, and any increase in the size of the operation.

8.3 Septage

Waste, refuse, effluent, sludge, and other materials from septic tanks, cesspools, or other similar facilities.

8.4 Sensitive Natural Resources

Sensitive natural resources consist of protected locations, protected natural resources, sensitive receptors, or significant wildlife habitat as defined by Chapter 400.

8.5 Planning Board

The Leeds Planning Board.

Article 9: Regulated Activities

9.1 The following activities shall be regulated by the Town of Leeds and shall require a permit from the Planning Board. The activities are land spreading of sludge or residuals or storage of sludge or residuals.

Article 10: Permit Requirements

10.1 No person shall conduct or allow on his/her property any of the activities listed in Section 9.1 without first obtaining a permit for that purpose from the Planning Board. The Planning Board shall furnish an application form for the purpose of obtaining all the required information from the applicant. The fee for the permit shall be \$300.00 and shall be presented with the complete application to the Town Clerk. The permit fee is non-refundable.

10.2 Permit Modifications

The expansion or enlargement of any regulated activity shall require a permit from the Planning Board according to the requirements for a new permit. Minor changes or revisions to the original application shall be submitted to the Code Enforcement Officer for review and approval. The CEO may request the Planning Board's review prior to making a decision about the proposed change. The applicant shall be responsible for making any permit modifications with the Department of Environmental Protection as required.

Article 11: Application Permits

11.1 New Permits

All new applications for any regulated activity shall be filed on the forms provided by the Planning Board and shall include the following information:

11.1.1 The complete application submitted to the Department of Environmental Protection for the proposed activity. This shall include all the required permit attachments.

11.1.2 The \$300.00 application fee.

11.1.3 Construction drawings for all buildings or structures proposed for the activity.

11.1.4 A list of names and addresses of all abutting property owners of record to the proposed activity.

11.1.5 A map of the proposed site showing any sensitive natural resources within 500 feet of the site.

11.1.6 A report from the Code Enforcement Officer (referred to hereafter as CEO) that indicates that the site was inspected for compliance with the provisions of this Ordinance.

Article 12: Application Procedure

12.1 New Permits

The application procedure outlined below shall be followed for all new permit applications:

12.1.1 The applicant shall obtain a copy of this Ordinance and application form from the Leeds Town Office during regular business hours.

12.1.2 The applicant shall complete the application and arrange an inspection of the site with the CEO who shall check the location for compliance with this Ordinance.

12.1.3 The CEO shall complete an inspection report and submit a copy to the applicant to include with the application.

12.1.4 The applicant shall submit a complete application and fee to the CEO and request to be placed on the Planning Board agenda for consideration of the proposal.

12.1.5 The Planning Board shall schedule a hearing on the proposed application within 30 days of the CEO receiving the complete application. The Planning Board shall provide notice of the date and time of the hearing to the applicant at least 20 days prior to the date of the hearing, in order to allow adequate time for notification of property owners of record and legal notices.

12.1.6 The applicant shall notify all property owners of record abutting the proposed land application site of the date, time, place, and purpose of the hearing by certified mail. The applicant shall submit proof to the Planning Board that the letters were sent to each property owner of record. The letters shall be mailed at least 10 days prior to the scheduled hearing. Failure of any party to receive a notice shall not invalidate the hearing proceedings, provided that the applicant can show proof that the letters were mailed.

12.1.7 The applicant shall place one legal ad in a newspaper of general circulation in the area indicating the date, time, place, and purpose of the hearing. The ad shall be placed at least 7 days prior to the scheduled hearing. The applicant shall submit a copy of the ad to the Planning Board.

- 12.1.8 The Planning Board shall review the proposed application for compliance with this Ordinance and shall hear testimony from the applicant, property abutters and other interested parties.
- 12.1.9 The CEO shall attend the hearing and provide information to the Planning Board concerning the site inspection.
- 12.1.10 The Planning Board shall review and decide upon the application based upon the following review standards:
- 12.1.10.1 The application is complete.
 - 12.1.10.2 The applicant has complied with all hearing notification requirements.
 - 12.1.10.3 The CEO has conducted a site visit and finds that the proposal complies with all of the applicable provisions of this Ordinance.
 - 12.1.10.4 The proposed activity conforms to all the applicable provisions of this Ordinance.
- 12.1.11 The Planning Board may decide to approve the application, approve the application with conditions in order to bring the proposal into compliance with this Ordinance, or deny the application.
- 12.1.12 The Planning Board shall issue a written decision and shall indicate the reasons for their decision by a finding of fact. The written decision shall be mailed to the applicant within 7 days of a decision.
- 12.1.13 The Planning Board shall grant or deny the permit to the applicant based upon the Board's written finding of fact. The permit shall be issued within 7 days of the final decision of the Planning Board.

Article 13: Performance Standards

13.1 Notification Standards

- 13.1.1 The applicant shall notify the CEO at least 24 hours prior to any sludge or residuals land spreading activity.
- 13.1.2 The applicant shall notify the CEO of any change or modification in the activity and request that the original permit be amended. Failure to notify the CEO of any alteration in the original permit shall constitute a violation of this Ordinance.
- 13.1.3 The applicant shall notify the CEO when the activity will permanently

cease operation at the location. A temporary lapse in activity does not constitute a closing of the activity.

13.2 Inspection

13.2.1 Upon notification that land spreading will occur at the site, the CEO shall inspect the site during or after spreading has occurred. The CEO shall maintain a record of each inspection.

13.2.2 The CEO shall inspect the site for compliance with this Ordinance and shall notify the applicant in writing of any violation.

13.2.3 The CEO shall respond to all complaints concerning any activity regulated by this Ordinance and determine if there are any violations of this Ordinance. The CEO shall notify the applicant or its agent within one business day of receipt of a complaint and provide a copy of all complaints to the applicant.

13.2.4 The applicant shall allow the CEO to inspect the activity.

13.3 General Standards

13.3.1 All activities shall be performed in accordance with the regulations and provisions contained in this Ordinance and the applicable DEP permit. The applicant shall provide to the CEO all annual reporting data required by the DEP at the time of permit renewal. Any activity not performed in accordance with this Ordinance shall constitute a violation of this Ordinance.

13.3.2 All activities shall conform to the following general standards as applicable:

- 13.3.2.1 Land spreading shall not occur during the following time period: November 15th to April 15th.
- 13.3.2.2 Land spreading shall not occur on frozen ground or if the ground is saturated.
- 13.3.2.3 Sludge or residuals incorporation activities shall occur as soon as possible after spreading operations.
- 13.3.2.4 All activities shall conform to the setback and buffer requirements established by the DEP in Chapter 419.

13.4 Transportation

13.4.1 The applicant shall take all reasonable measures to transport sludge or residuals to the site in a manner that reduces any odors or other nuisances to residents and businesses along the access route.

13.5 Sensitive Natural Resources

The applicant shall provide a statement of information concerning whether or not the proposed site is located in, on, over, or next to a protected location, protected natural resource, sensitive receptor, or significant wildlife habitat as defined in Chapter 400. The statement of information should describe and name the sensitive natural resources and identify the approximate horizontal distance from the nearest site boundary to the sensitive natural resource. Chapter 419 regulatory setbacks and licensing standards shall apply to the identified sensitive natural resources, unless additional site specific setbacks are established through municipal conditions included in DEP licenses.

Article 14: Municipal Oversight of Residuals Utilization Activities

14.1 The municipality must file a copy of the ordinance with the DEP Commissioner within 30 days of its adoption.

14.2 Pursuant to Title 30-A, section 4452, section 6: The town, after notifying the DEP, may enforce the terms and conditions of a sludge utilization or storage site license issued by the Department under Chapter 419 and Chapter 400.

14.3 Coordination between the municipality and the DEP on sludge licenses. Under state law:

14.3.1 Notification: The DEP shall notify municipalities (municipal officers or their designees) in which sludge utilization sites or sludge storage sites are being proposed. Notification will be made within 14 working days of DEP receipt of a complete permit application. The notification will include, at a minimum, the name and address of the applicant, and the analytical results of the sludge proposed to be spread in the municipality.

14.3.2 Municipal Conditions in DEP Licenses: Prior to approving an application for a sludge land application site or storage facility, the DEP will consult with the municipal officers or their designees in the municipality in which the site or facility is proposed, and provide them with an opportunity to suggest conditions, including additional setbacks, to be included in the license. The DEP will impose those conditions that are necessary for the project to meet the licensing standards in Chapter 419. If the DEP does not impose conditions on a license that have been suggested in writing by the municipality, the DEP will provide a written explanation to the municipality.

14.3.3 The DEP shall consult with a municipality within 10 days of receipt of a request by a sludge generator to change the terms or conditions of a sludge land application or storage facility license concerning a facility located in the municipality.

14.3.4 Petitions Concerning Sludge Testing Protocols: A municipality may petition the DEP Commissioner to review a generating facility's testing protocol for sludge. The DEP Commissioner will respond to the municipality, in writing, within 10 days of receipt of a written petition. The DEP Commissioner may order the generator to conduct an additional waste characterization test on their sludge at the generator's expense. The generator must provide a copy of the additional test results to the municipality within 30 days of receipt.

ARTICLE XIII

TOWN OF LEEDS

ROAD NAMING AND NUMBERING ORDINANCE

ADOPTED: December 11, 1996

**TOWN OF LEEDS
ROAD NAMING AND NUMBERING ORDINANCE**

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ARTICLE XIII

TOWN OF LEEDS ROAD NAMING AND NUMBERING ORDINANCE

Purpose

The purpose of this ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Leeds.

Authority

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 or the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

Administration

This ordinance shall be administered by the Board of Selectmen and/or their designee, who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in this ordinance. The Board of Selectmen and/or their designee shall also be responsible for maintaining the following official records of this ordinance:

- A. A Leeds map for the official use showing road names and numbers.
- B. An alphabetical list of all property owners as identified by current assessment records, by the last name, showing the assigned numbers.
- C. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Naming System

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town of Leeds shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- A. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
- B. No two roads should have similar-sounding names (e.g., Beech Street and Peach Street).
- C. Each road shall have the same name throughout its entire length.

Numbering System

Numbers shall be assigned every 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 numbering origin. (The frontage interval may vary in more densely populated areas, and it should be so indicated where that particular interval applies.)

The following criteria shall govern the numbering system:

- A. All number origins shall begin from the most major road. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end. Route 202, numbering shall originate at the Leeds-Monmouth town line and end at the Leeds-Greene town line. Route 219, numbering shall originate at the Leeds-Wayne town line and end at the Leeds-Turner town line. Route 106, numbering shall originate at the intersection of Route 202 and end at the Leeds-Livermore Falls town line.
- B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway of said structure.
- C. Every structure with more than one principal use or occupancy shall have a separate number for each of its use or occupancy (i.e., duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt. 2).

Compliance

All owners of structures shall, by within thirty days of being notified, display and maintain in a conspicuous place on said structure or property, the assigned numbers in the following manner:

- A. Number on the structure or residence. Where the residence or structure is within 50 feet of the edge of the road right-of-way, then the number may be displayed on the front of the residence or structure near the front door or entry, if the number will be clearly visible from the roadway.

- B. Number at the street line. Where the residence or structure is over 50 feet from the edge of the road right-of-way or the number would not be clearly visible on the structure, the assigned number shall be displayed on a post, fence, wall, the mail box or on some structure at the property line next to the walk or access drive to the residence or structure.
- C. Size and color of number. Numbers shall be at least 4 inches in height and of a contrasting color.
- D. Every person whose duty it is to display the assigned number shall remove any different number that might be mistaken for, confused with, the number assigned in conformance with this ordinance.
- E. Interior location. All residents and other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.

New Construction and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- A. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.
- B. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system of the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Fire Chief and the Board of Selectmen, 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 on the plan, lines or dots, in the center of the streets every 50 feet to aid in assignment of numbers to structures subsequently constructed.
- C. New Roads Other than Subdivisions. Any road existing or constructed with two or more residents or structures on it must be named and numbered. It will be the responsibility of the Board of Selectmen and/or their designee to name and number these roads.

Effective Date

This ordinance shall become effective immediately upon being approved by the voters of the Town of Leeds. It shall be the duty of the Town of Leeds and/or the Post Office to notify by mail each property owner 30 days before the effective date of any address change in regards to this ordinance. It shall be the duty of each property owner to comply with this ordinance,

including the posting on new property numbers, within 30 days following notification. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

This ordinance was enacted at a Special Town meeting on December 11, 1996.

A true copy attest:

APPENDIX A

**STATE OF MAINE
SOLID WASTE MANAGEMENT REGULATIONS**

**CHAPTER 400 - GENERAL PROVISIONS
DEFINITIONS**

**MAINE DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**ADOPTED BY THE BOARD OF ENVIRONMENTAL PROTECTION
AUGUST 12, 1998**

APPENDIX A

STATE OF MAINE SOLID WASTE MANAGEMENT REGULATIONS

Chapter 400: GENERAL PROVISIONS

SUMMARY: This Chapter establishes the rules regarding administrative matters and general standards concerning solid waste facilities and solid waste handling. It describes which facilities and activities are subject to the Maine Solid Waste Management Rules and which are exempted. Specifically included in this Chapter are definitions, licensing procedures, and licensing standards.

1. **Definitions.** The following terms, as used in the Maine Solid Waste Laws and in these rules have the following meanings, unless the context indicates otherwise:
 - A. **Abutter.** "Abutter" for the purposes of the notice provisions of this rule, means any person who owns property that is both (1) contiguous to the property boundary and (2) within 1 mile of the facility site on which the project will take place, including owners of property directly across a public or private right of way.
 - B. **Active portion.** "Active portion" of a landfill means that part of the landfill or landfill cell that has not received final cover in accordance with these or prior rules or with Federal rules or was not closed prior to the enactment of any solid waste management rules.
 - C. **Adequately wetted.** "Adequately wetted" means sufficiently mixed or coated with water or an aqueous solution to prevent dust emissions.
 - D. **Agricultural waste.** "Agricultural waste," means wastes that result from agricultural activities (the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farmlot wood products, including Christmas trees) that are returned to the soils as fertilizers. It includes waste pesticides when generated by a farmer, provided that the farmer triple rinses each emptied pesticide container in accordance with Departmental rules and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label. It does not include any material regulated as a residual under Chapter 419.
 - E. **Agronomic rate.** "Agronomic rate" means an application rate of plant nutrients that is recommended to provide the optimum plant growth and be utilized by the crop.
 - F. **Agronomic utilization.** "Agronomic utilization" or "utilization" means the land application of residuals in a controlled manner in order to:
 - (1) Increase the nutrient content of the soil at a rate commensurate with the nutritional needs of the crop to be grown and the assimilative capacity of the soil;
 - (2) Otherwise improve agricultural soil conditions; or
 - (3) Provide some other horticultural benefit.

- G. Airport.** "Airport" means an aircraft landing strip open to the public.
- H. Alter.** "Alter" means to increase the capacity of or to change the siting, design, construction or operation of a solid waste facility or activity in any way not previously approved by the Department.
- I. Amendment.** "Amendment" means a modification to a license that would permit a solid waste facility to significantly increase capacity of the facility; significantly alter the siting, design, construction or operation of the facility; or significantly alter the nature of an activity to an extent that would require the Department to modify any findings with respect to any of the licensing criteria. Amendments do not include minor revisions and other alterations.
- J. Ambient sound.** "Ambient sound" means the all-encompassing sound at a given location, being usually a composite of sounds from many sources at many directions, near and far.
- K. Annual Report.** "Annual report" means the report prepared annually by each solid waste facility owner or operator to demonstrate compliance with the license for that facility and the applicable provisions of these rules.
- L. Asbestos.** "Asbestos" means a group of naturally occurring minerals that separate into fibers of high tensile strength and are resistant to heat, wear and chemicals, including, but not limited to the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-gunerite (amosite), anthophyllite, actinolite, tremolite and any of these minerals that have been chemically treated or altered.
- M. Asbestos waste.** "Asbestos waste" means any asbestos-contaminated material or asbestos debris generated from an asbestos abatement activity and any other source, as these terms are defined in Chapter 425 - Asbestos Management Regulations.
- N. Ash.** "Ash" means the residue or the residual remaining after the combustion of a material such as coal, wood, oil, sludge or municipal solid waste.
- O. Asphalt batching plant.** "Asphalt batching plant" means any continuous flow or non-continuous asphalt plant that uses a rotary kiln, drum dryer, pug mill or drum mix device to process an aggregate-asphalt mix into a final bituminous product.
- P. Assessment Monitoring.** "Assessment monitoring" means monitoring conducted to verify water quality and/or to assess the nature and extent of a release of contaminants to ground or surface water.
- Q. A.S.T.M.** "ASTM" means American Society for Testing and Materials.
- R. Attendant.** "Attendant" means the individual who is the on-site supervisor of the day-to-day operations at a solid waste facility.
- S. Barrier layer.** "Barrier layer" means a continuous layer of natural and/or synthetic materials, over, beneath, or on the sides of a surface impoundment, landfill, or landfill

cell, which restricts the downward or lateral escape of solid waste, any constituents of such waste, and leachate, or which minimizes the infiltration of rainwater to the extent required in these rules.

T. Beneficial use. "Beneficial use" means to use or reuse a solid waste or waste derived product:

- (1) As a raw material substitute in manufacturing,
- (2) As construction material or construction fill,
- (3) As fuel, or
- (4) In agronomic utilization.

U. Buffer strip. "Buffer strip" means an area of land that is covered by vegetation, capable of regeneration and succession, whether retained as undisturbed vegetation or re-established following disturbance of the site. A buffer strip runs along the border between the facility site and an adjacent piece of land, body of water, or other specified area and serves to protect that area from adverse effects of the facility or preserves some existing quality or use in the area of development.

V. Bypass. "Bypass" means any solid waste that is destined for disposal, processing, or beneficial use at a solid waste facility, but which cannot be disposed, processed, or beneficially used at that facility because of malfunction, insufficient capacity, inability of the facility to process or burn, down-time, or any other reason.

W. Cell. "Cell" means a discrete area within a landfill site which has been designated to facilitate the systematic construction, operation, and closure of the landfill.

X. Certified Copy. "Certified copy" means a copy of the Department approved operating manual implemented by the owner/operator of a landfill facility that is assigned to be updated and tracked by a person specified by the owner/operator.

Y. Classified water. "Classified water" means all ground water and any surface water, inland or tidal, and perennial or intermittent tributaries thereof, that are described and designated pursuant to 38 MRSA Sections 464 to 470.

Z. Commercial solid waste disposal facility. "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:

- (1) A solid waste facility owned by a public waste disposal corporation under section 1304-B, subsection 5 as long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;
- (2) A solid waste facility owned by a municipality under section 1305 as long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed at the facility;

- (3) A solid waste facility owned by a refuse disposal district under chapter 17 as long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;
- (4) A solid waste facility owned and controlled by the office under chapter 24;
- (5) A solid waste facility owned and controlled by a single entity that generates at least 85% of the solid waste disposed of at the facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis. For purposes of this paragraph, "single entity" means an individual, partnership, corporation or limited liability company that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph; or
- (6) A private corporation that accepts material-separated refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

AA Reserved.

BB. Commercial waste. "Commercial waste" means solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing, non-processing activities. Commercial waste does not include household, process, industrial or special wastes.

CC. Composite liner. "Composite liner" means a geomembrane placed over and in direct and uniform contact with a barrier soil layer and/or geosynthetic clay liner, without a leak detection or leachate collection layer between them.

DD. Compost. "Compost" means a residual that has undergone a composting process.

EE. Composting. "Composting" means the biological decomposition of organic residuals under predominantly aerobic conditions and controlled temperatures between 110° and 150° F..

FF. Construction or demolition debris. "Construction or demolition debris" means solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes but is not limited to: building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.

GG. Construction Fill. "Construction Fill" means fill that may contain solid waste utilized to provide material for construction projects such as roads, parking lots, buildings or other structures. It does not include fill needed to re-contour an area within a landfill or where no further construction is occurring. If the construction fill contains solid waste other than inert fill, the use of the fill is regulated under Chapter 418.

HH. Contamination or Pollution.

- (1) As applied to ground water, "contamination" or "pollution" means exceeding water quality standards, the concentrations of which are attributable to the solid waste facility, as:
 - (a) Specified in CMR 231 - Primary Drinking Water Standards, promulgated pursuant to 22 M.R.S.A. section 2611; or
 - (b) Demonstrated by a statistically significant change in measured parameters which indicates deterioration of water quality determined through assessment monitoring.
- (2) As applied to surface water, "contamination" or "pollution" means an unlicensed discharge to a classified body of surface water that is not exempt from licensing and is attributable to any aspect of the solid waste facility operation.

II. Crop for direct human consumption. "Crop for direct human consumption" means a food crop that is distributed to consumers without prior processing such as blanching, frying or cooking to minimize pathogens.

JJ. Daytime hours. "Daytime hours" means the hours between 7:00 a.m. and 7:00 p.m.

KK. Demolition debris. See "construction or demolition debris".

LL. Department. "Department" means the Department of Environmental Protection composed of the Board of Environmental Protection and the Commissioner.

MM. Department Supervised Clean-up. "Department Supervised Clean-up" means a clean-up of oil contaminated soil that is undertaken under the direction of a representative of the Department.

NN. Design leakage rate. "Design leakage rate" means the amount of leakage expected through the liner system(s) within the solid waste boundary, plus an additional amount of leakage from waste handling areas, to account for factors such as changes in long-term performance of engineered products, operational considerations, and site-specific design features. The design leakage rate includes leakage during the operational, closure, and post-closure periods.

OO. Detection monitoring. "Detection monitoring" means monitoring conducted periodically throughout the active life of the facility, and through the closure and post-closure periods, to detect changes in water quality.

PP. Dewatered septage. "Dewatered septage" means the solid fraction removed from septage, by mechanical means such as a sand filter, clarifier or belt filter press.

QQ. Disposal. "Disposal", means the discharge, deposit, dumping, spilling, leaking, placing or incineration of any solid waste into or on any land, air or water so that the solid waste or any constituent thereof may enter the environment or be emitted into the

air, or discharged into any waters, including ground waters. This term does not include beneficial use activities approved or exempted under these rules.

RR. Dredge materials. "Dredge materials" means sand, silt, mud, gravel, rock or other sediment or material removed from beneath any surface water.

SS. E.P.A. "E.P.A." means the United States Environmental Protection Agency.

TT. Equipment. "Equipment" means any item of machinery or implement used in the operation of a solid waste facility to perform site preparation, earth-moving and trucking, hauling, transporting, spreading, compacting or covering of waste.

UU. Environmental Monitoring. "Environmental monitoring" means collecting and analyzing ground and surface water samples, leachate, leak detection and leachate treatment residue samples, air samples, landfill gas samples and/or measurements, waste characterization, and monitoring of solid waste settlement and landfill and/or site stability.

VV. Existing hourly sound level. "Existing hourly sound level" means the hourly sound level at a solid waste facility or at protected locations prior to the first expansion of that solid waste facility.

WW. Expand. "Expand", as it applies to solid waste landfills, means to dispose of solid waste beyond the horizontal boundaries previously licensed by the Department for solid waste disposal, except when allowed as part of a Department approved closure activity.

"Expand", as it applies to solid waste incineration facilities, means to significantly increase the licensed disposal capacity of the facility.

XX. Facility site. "Facility site" means any developed land area of a solid waste facility, including internal access roads controlled by the facility site owner or operators, structures (including those for erosion and sedimentation control), parking lots, and waste handling areas, or any areas thereof approved by the Department for that development, but excluding monitoring wells.

YY. Fault. "Fault" means a geologic fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

ZZ. Feed crop. "Feed Crop" means a crop produced primarily for consumption by domestic animals.

AAA. Fiber crop. "Fiber crop" means a crop grown for fiber content such as straw, trees, flax and cotton.

BBB. Fines. "Fines" means the soil material that passes through a #200 U.S. Standard Sieve.

CCC. Flowable Fill. "Flowable Fill" means a cementitious low-strength material comprised of cement, a non-hazardous ash, fine aggregate, and water and used in place of compacted soil in excavations and/or construction where high strength is not required.

DDD. Food crop. "Food Crop" means a crop grown primarily for direct consumption by humans, such as fruits and vegetables.

EEE. Fractured bedrock aquifer. "Fractured bedrock aquifer" means a fractured consolidated rock formation that is saturated and recharged by precipitation percolating through overlying sediments to a degree that will permit wells drilled into the rock to produce a sufficient water supply for domestic use.

FFF. Front-end process residue (FEPR). "Front-end process residue (FEPR)" means solid waste removed by processing prior to incineration or landfilling, including but not limited to ferrous metals, glass, grit and fine organic matter.

GGG. Generator. "Generator" means any person whose act or process produces a solid waste or whose act first causes a solid waste to be subject to regulation under these rules.

HHH. Handle. "Handle" means to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of, treat, or beneficially use.

III. Hazardous waste. "Hazardous waste" means a waste substance or material, in any physical state, designated as hazardous by the Board under 38 MRSA section 1319-O. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

JJJ. Heavy metals. "Heavy metals" means those metallic elements that have the potential for human, plant or animal toxicity including, but not limited to, the following: arsenic (As), Barium (Ba), cadmium (Cd), copper (Cu), chromium (Cr), mercury (Hg), nickel (Ni), lead (Pb), molybdenum (Mb), selenium (Se), and zinc (Zn).

KKK. Historic site. "Historic site" means any site, structure, district or archaeological site which has been officially included on the National Register of Historic Places and/or on the Maine Historic Resource Inventory, or which is established by qualified testimony or evidence as being of historic significance.

LLL. Hot loads. "Hot loads" means solid waste delivered to a solid waste facility that is on fire, smoldering, or releases sufficient heat upon hydration to constitute a fire hazard.

MMM. Hourly sound level. "Hourly sound level" means the level of the mean-square A-weighted sound pressure during a one hour period or equivalently the level of the sound exposure during a one hour period.

NNN. Household hazardous waste. "Household hazardous waste" means any hazardous waste material excluded from identification as a hazardous waste by Chapter 850, section 3.A(4)(vii) because it is generated by households, including single and multiple residences, hotels and motels, bunkhouses, picnic grounds, and day-use recreational facilities.

OOO. Hydrogeologic unit. "Hydrogeologic unit" means one or more stratigraphic or lithologic units having similar hydrogeologic properties which are in hydraulic

communication, and bounded by either the ground surface or adjacent stratigraphic or lithologic units having differing hydrogeologic properties.

PPP. Incineration. "Incineration" means the volume reduction of solid waste by means of controlled combustion, including pyrolysis. This term does not include combustion of solid waste in cone burners or the practice of open burning.

QQQ. Incorporate. "Incorporate" as used in Chapter 419 means the mixing of a sludge or other residual with the soil in the upper horizon by rototilling, harrowing, plowing or sub-surface injection.

RRR. Inert fill. "Inert fill" means clean soil material, including soil from road ditching and sand from winter sand cleanup; rock; bricks; crushed clean glass or porcelain; and cured concrete; that are not mixed with other solid or liquid waste, and are not derived from an ore mining activity.

SSS. Inject. "Inject" means the direct introduction of sewage sludge or other residual beneath the ground surface by means of specialized equipment.

TTT. Key personnel. "Key personnel" for a solid waste disposal facility means persons in a supervisory role who are accountable and directly involved with the on-site operation of the solid disposal waste facility. Key personnel also includes at least one member of a solid waste disposal facility's engineering or environmental staff.

UUU. Land application. "Land application" means spraying or spreading residuals on the ground surface or incorporating residuals below the ground surface.

VVV. Land clearing debris. "Land clearing debris" means solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material, and rocks.

WWW. Landfill or solid waste landfill. "Landfill or solid waste landfill" means a discrete area of land or an excavation used for the disposal of solid waste. This term does not include land application sites used in programs approved by the Department.

XXX. Landfill gas. "Landfill gas" means gases, including but not limited to carbon dioxide and methane, produced by decomposition of solid waste.

YYY. Landfill reclamation. "Landfill reclamation" means the excavation of a portion or all of a landfill with the goal of reducing the volume of wastes currently disposed in the landfill through separation of materials into recyclable, reusable, and combustible components.

ZZZ. Leachate. "Leachate" means liquid that has passed through or emerged from solid waste and contains dissolved, suspended or miscible materials removed from that waste.

AAAA. Leak detection system. "Leak detection system" means a high permeability layer between two liners designed to detect, collect, and remove leachate leaking through the upper liner before that leachate discharges to the environment.

BBBB. Liner or liner system. "Liner" or "liner system" means a constructed, continuous layer of natural or artificial materials placed beneath or on the sides of a surface impoundment, landfill, or landfill cell, that restrict the downward or lateral movement of leachate.

CCCC. Lithified earth material "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock, that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

DDDD. Liquid waste. "Liquid waste" means any waste that is determined to contain free liquids according to the Paint Filter Liquids Test (Method 9095 of E.P.A. SW-846, 3rd Edition).

EEEE. Lower explosive limit (LEL). "Lower explosive limit" of a combustible gas or mixture of combustible gases means the lowest concentration (by volume) in air that will explode, ignite or burn when there is an ignition source. At concentrations below the LEL, there is insufficient fuel to support combustion or ignition.

FFFF. Maine Solid Waste Laws. "Maine Solid Waste Laws" means all the laws of the State of Maine relating to the management of solid waste. It includes the "Maine Hazardous Waste, Septage and Solid Waste Management Act," Subchapters I and IA (38 MRSA section 1301 *et seq.*); 38 MRSA sections 417 and 420; the Waste Discharge Law (38 MRSA section 413); 38 MRSA section 590-E; the Maine Refuse Disposal District Enabling Act (38 MRSA section 1701 *et seq.*); and the Solid Waste Management and Recycling Law (38 MRSA section 2101 *et seq.*).

GGGG. Maine Solid Waste Management Rules or these rules. "Maine Solid Waste Management Rules" or "these rules" means Chapters 400 through 419 inclusive that have been adopted by the Board of Environmental Protection and are in effect pursuant to the requirements of the Maine Administrative Procedure Act, 5 MRSA section 8051 *et seq.*

HHHH. Material-separated, refuse-derived fuel. "Material-separated, refuse-derived fuel" means a binder-enhanced, pelletized, solid fuel product made from the combustible fraction of a municipal solid waste stream that has been processed to remove the recyclable material before combustion. The product may not contain more than 6% by weight of plastic, metal, glass or food waste. In addition, the production of material-separated, refuse-derived fuel may not exceed 40% by weight of the total municipal solid waste stream from which it was derived.

IIII. Maximum horizontal acceleration in lithified material. "Maximum horizontal acceleration in lithified material" means the maximum expected horizontal acceleration, depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

JJJJ. Minor Revision. "Minor Revision" means a modification to a license for any proposed alteration that does not require a license amendment but that, in the Department's judgment, requires Department approval due to the need to evaluate whether the proposed alteration could have a potential impact on public health or welfare, the environment, or create a nuisance.

KKKK. Monofill. "Monofill" means a landfill or landfill cell used exclusively for the disposal of a single homogeneous waste stream.

LLLL. M.R.S.A. "M.R.S.A." means the Maine Revised Statutes Annotated.

MMMM. Municipality. "Municipality" means City, Town, Plantation or unorganized township.

NNNN. Municipal solid waste. "Municipal solid waste" means solid waste emanating from household and normal commercial sources. Municipal solid waste includes front end process residue from the processing of municipal solid waste.

OOOO. Nighttime hours. "Nighttime hours" means the hours between 7:00 p.m. and 7:00 a.m.

PPPP. Nitrogen loading rate. "Nitrogen loading rate" means the rate at which residuals are applied to the land to meet the recommended nitrogen requirements for optimum crop growth.

QQQQ. Non-hazardous waste. "Non-hazardous waste" means any solid waste, special waste or septage that is not a hazardous waste, biomedical waste, or low-level radioactive waste.

RRRR. Northern zone. "Northern zone" includes: Aroostook County; that part of Penobscot County north of and including Medway, TAR7 and Long A; that part of Piscataquis County north of and including TBR10, TBR11, Bowdoin College Grant, Greenville and Little Squaw; that part of Somerset County north of and including Square Town (T2R5), Moxie Gore (T1R5), West Forks Plantation, Lower Enchanted (T2R5), BKPWKR (T3R5), and King & Bartlett (T4R5); and that part of Franklin County north of and including Jim Pond (T1R5), Alder Stream (T2R5), and Seven Ponds (T3R5).

SSSS. Office. "Office" means the State Planning Office.

TTTT. Oil-contaminated soil. "Oil-contaminated soil" means any soil that has been contaminated with virgin: #1 fuel oil, #2 fuel oil, #3 fuel oil, #4 fuel oil, #5 fuel oil, #6 fuel oil, diesel fuel, gasoline, hydraulic fluid or mineral oil.

UUUU. One hundred year flood plain. "One hundred year flood plain" means the areas adjoining inland and coastal waters, including flood prone areas of offshore islands, which are inundated by a flood that has a 1 percent or greater chance of occurring in a year, or a flood of a magnitude equaled or exceeded once in 100 years on the average.

VVVV. Open Burning "Open Burning" means the combustion of solid waste that does not have all of the following:

- (1) Control of combustion air to maintain adequate temperature for efficient combustion;
- (2) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (3) Control of the emission of the combustion products.

WWWW. Operator. "Operator" means any person who has care, charge or control of a solid waste facility subject to these rules. The operator may be the owner, an agent, or lessee of the owner, or an independent contractor.

XXXX. Owner. "Owner" means any person who alone or in conjunction with others owns the real property on which a solid waste facility subject to these rules is located.

YYYY. Pathogen. "Pathogen" means an organism, chiefly a microorganism, including: viruses, bacteria, fungi, helminth ova, and all forms of animal parasites and protozoa, capable of producing an infection or disease in a susceptible host.

ZZZZ. PCBs. "PCBs" means Polychlorinated Biphenyls; a class of chlorinated aromatic hydrocarbons representing a mixture of specific biphenyl hydrocarbons which are thermally and chemically very stable.

Aa. PCDD. "PCDD", also known as "Dioxin", means polychlorinated dibenzo-p-dioxin.

Bb. PCDF. "PCDF", also known as "Furan" means polychlorinated dibenzofuran.

Cc. Person. "Person" means any individual; partnership; corporation; firm; federal, state or local government entity; or public or private organization of any character.

Dd. Pollution. See "**Contamination or Pollution**" of this section.

Ee. Pre-development ambient sound. "Pre-development ambient sound" means the ambient sound at a specified location in the vicinity of a proposed or existing solid waste facility prior to that proposed facility's construction and operation or prior to an existing facility's expansion.

Ff. Primary sand and gravel recharge area. "Primary sand and gravel recharge area" means the surface area directly overlying sand and gravel formations that provide direct replenishment of ground water in sand and gravel and fractured bedrock aquifers. The term does not include areas overlying formations that have been identified as unsaturated and are not contiguous with saturated formations.

Gg. Processing facility. "Processing facility" means any land area, structure, equipment, machine, device, system, or combination thereof, other than incinerators, which is operated to reduce the volume or change the chemical or physical characteristics of solid waste. Processing facilities include but are not limited to facilities which employ

shredding, baling, mechanical and magnetic separation, and composting or other stabilization techniques to reduce or otherwise change the nature of solid waste.

Hh. Property boundary. "Property boundary" means the outermost perimeter of the parcel of real property on which a solid waste facility is located.

li. Protected Location. "Protected location" means:

(1) Any location within a parcel of land which, at the time a solid waste facility application is submitted, either contains or has local approval for the construction of a residence, residential subdivision, house of worship, academic school, college, library, hospital or nursing home;

(2) Any location within:

(a) A state park;

(b) Baxter State Park;

(c) A National park;

(d) A historic site;

(e) A nature preserve owned by the Maine or National Audubon Society or the Maine Chapter of the Nature Conservancy;

(f) The Appalachian Trail;

(g) A National Wildlife Refuge;

(h) A federally-designated wilderness area; or

(i) State wilderness area designated by state statute, such as the Allagash Wilderness Waterway; or

(3) Any location within consolidated public reserve lands designated as a protected location by rule of the Bureau of Public Lands.

State and National Parks that do not have camping areas, houses of worship, schools, libraries, and historic sites are considered protected locations only during their regular hours of operation.

Jj. Protected natural resource. "Protected natural resource" means a coastal sand dune system, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, great ponds or rivers, streams or brooks, as these terms are defined in 38 MRSA section 480-B of the Natural Resources Protection Act.

Kk. Public entity. "Public entity" means a municipality or group of municipalities, a public waste disposal corporation under 38 MRSA section 1304-B, a refuse disposal district under 38 MRSA section 1702, *et seq.*, a county, State or Federal agency.

- Li. Public viewing area.** "Public viewing area" means an area designated for the public to view scenic areas, historical sites, unusual natural features or public monuments. These areas include but are not limited to scenic highways; public easements; scenic turnouts; public monuments; and national, state or municipal parks.
- Mm. Pug mill.** "Pug mill" means any lined mixing chamber that uses an emulsified or cut-back asphalt binding agent to produce a bituminous product from an aggregate.
- Nn. Putrescible Waste.** "Putrescible waste" means solid waste that contains organic matter that can be rapidly decomposed by microorganisms, which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease carrying organisms such as rodents and flies.
- Oo. Quantifiable noise standard.** "Quantifiable noise standard" means a numerical limit governing noise that has been duly enacted by ordinance by the municipality.
- Pp. R.C.R.A.** "R.C.R.A." means the Resource Conservation and Recovery Act, 42 U.S.C.A. section 6901 *et seq.*
- Qq. Recycling.** "Recycling" means the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.
- Rr. Refuse-derived fuel.** "Refuse-derived fuel" means municipal solid waste which has been processed prior to combustion to increase the heat input value of the waste.
- Ss. Residual.** "Residual" means solid wastes generated from municipal, commercial or industrial facilities that may be suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.
- Tt. Residue.** "Residue" means waste remaining after the handling, processing, incineration, or recycling of solid waste including, without limitation, front end process residue and ash from incineration facilities.
- Uu. Routine operation.** "Routine operation" means, for the purpose of regulating noise, the regular and recurrent operation of a solid waste facility and the sound sources associated with that operation .
- Vv. Sand and gravel deposit.** "Sand and gravel deposit" means a surficial stratigraphic unit, consisting primarily of well-sorted particles of sand size or larger.
- Ww. Scrap metal.** "Scrap metal" means bits and pieces of metal parts (such as bars, turnings, rods, sheets, and wire) or metal pieces that may be attached or combined together with bolts, welds or solder to form a product (such as scrap automobiles, radiators, or furniture) which whether worn or outdated can be recycled and which are not otherwise mixed with or contaminated with non-metal solid or hazardous wastes.

- Xx. Secondary material.** "Secondary material" means a solid waste, separated from other solid wastes, that may be suitable for beneficial use.
- Yy. Secure landfill.** "Secure landfill" means a landfill that utilizes a liner system, a leachate collection and treatment system, and a final cover system to prevent discharges of waste or leachate, and control the release of landfill gas, to the environment.
- Zz. Seismic impact zone.** "Seismic impact zone" means an area having a 10 percent probability that the maximum acceleration in lithified earth materials, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in 250 years as delineated by U.S.G.S. Seismic Source Zone maps.
- Aaa. Sensitive receptor.** "Sensitive receptor" means public and private water supply aquifers and wellhead protection areas; public and private drinking water supplies; significant ground water aquifers and primary sand and gravel recharge areas; sand and gravel deposits; and Class AA, A, and B surface water bodies and great ponds.
- Bbb. Shredder residue.** "Shredder residue" means waste generated from the shredding of automobiles, white goods, and other scrap machinery.
- Ccc. Significant ground water aquifer.** "Significant ground water aquifer" means a porous formation of ice contact and glacial outwash sand and gravel supplies or fractured bedrock that contains significant recoverable quantities of water likely to provide drinking water supplies.
- Ddd. Significant sand and gravel aquifer.** "Significant sand and gravel aquifer" means a porous formation of ice-contact and glacial outwash sand and gravel that contains significant recoverable quantities of water likely to provide drinking water supplies.
- Eee. Significant wildlife habitat.** "Significant wildlife habitat" means the following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Salmon Authority; shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified by the Department of Inland Fisheries and Wildlife. For the purposes of this definition, "identified" means identified in a specific location by the Department of Inland Fisheries and Wildlife.
- Fff. Site of generation.** "Site of generation" means the same parcel of land or within the same right-of-way where the waste is generated.
- Ggg. Sludge.** "Sludge" means non-hazardous solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or wet process air pollution control facility or any other such waste

having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended.

Hhh. Solid waste. "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including but not limited to rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but does not include hazardous waste, biomedical waste, septic tank sludge, or agricultural wastes. The fact that a solid waste, or constituent of the waste, may have value, be beneficially used, have other use, or be sold or exchanged, does not exclude it from this definition.

lii. Solid waste boundary. "Solid waste boundary" means the outermost limit of the solid waste, projected on a horizontal plane, where solid waste is disposed or would exist pursuant to the facility's solid waste license, and includes leachate storage ponds, but does not include above-ground leachate storage tanks or leachate transport pipes.

Jjj. Solid waste disposal facility. "Solid waste disposal facility" means a solid waste facility for the incineration or landfilling of solid waste. Facilities that burn material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid waste disposal facilities.

Kkk. Solid waste facility. "Solid waste facility" means any land area, structure, location, equipment or combination of them, used for the handling of solid waste. These include but are not limited to solid waste transfer stations, landfills, incinerators, processing facilities, storage facilities and agronomic utilization sites. The following facilities are not included:

- (1) A facility that employs controlled combustion to dispose of waste generated exclusively by an institutional, commercial or industrial establishment that owns the facility;
- (2) Lime kilns; wood chip, bark and hogged fuel boilers; kraft recovery boilers and sulfite process recovery boilers which combust solid waste generated exclusively at the facility; and
- (3) An industrial boiler that combusts mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity if:
 - (a) The mixed paper, corrugated cardboard or office paper would otherwise be placed in a landfill;
 - (b) The market value of the mixed paper, corrugated cardboard or office paper as a raw material for the manufacture of a product with recycled content is less than its value to the facility owner as a fuel supplement;
 - (c) The mixed paper, corrugated cardboard or office paper is combusted as a substitute for, or supplement to, fossil or biomass fuels that constitute the primary fuels combusted in the industrial boiler; and

(d) The boiler combusts no other forms of solid waste except as provided in this subparagraph.

LII. Source separation. "Source separation" means the separation of materials for recycling from wastes at the point of generation.

Mmm. Southern zone. "Southern zone" includes those areas in Maine that are not in the northern zone.

Nnn. Special waste. "Special waste," means any solid waste generated by sources other than household and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

- (1) Ash;
- (2) Industrial and industrial process waste;
- (3) Sludge and dewatered septage;
- (4) Debris from nonhazardous chemical spills and cleanup of those spills;
- (5) Contaminated soils and dredge materials;
- (6) Asbestos and asbestos-containing waste;
- (7) Sand blast grit and non-liquid paint waste;
- (8) High and low pH waste;
- (9) Spent filter media residue; and
- (10) Shredder residue.

Ooo. Springs. "Springs" mean natural places where water flows throughout the year from fractures in rock or from soil onto the surface of the land or into a body of surface water.

Ppp. Storage. "Storage" means the placement or containment of solid waste on a temporary basis in such a manner as not to constitute disposal of such wastes.

Qqq. State Plan. "State Plan" or the "State Waste Management and Recycling Plan" means the plan adopted by the former Maine Waste Management Agency pursuant to Chapter 24, subchapter II and subsequent plans developed by the State Planning Office pursuant to Title 5, section 3305, subsection 1, paragraph L.

Rrr. Successful corrective action. "Successful corrective action" means that, at a solid waste facility which has previously been found to be contaminating waters of the State,

the facility owner or operator has developed and implemented a corrective action program at that facility and the Department has found that:

- (1) The owner/operator has taken all reasonable measures necessary to eliminate the discharge of contaminants or pollutants attributable to the facility;
- (2) The owner/operator has modified the facility's detection monitoring program to include all parameters detected during assessment monitoring;
- (3) Contaminants previously released from the facility do not currently cause non-attainment of surface water quality classifications established in 38 MRSA Sections 465 through 465-B;
- (4) The owner/operator has documented an actual trend of improving quality in previously contaminated waters and has demonstrated that the trend will continue. The demonstration may be supported by the use of modeling of corrective actions and hydrogeologic conditions; and
- (5) Contaminants previously released from the facility do not threaten public health.

Sss. Till. "Till" means non-sorted, usually non-stratified sediment which was carried or deposited by a glacier.

Ttt. Tires. "Tires" means a solid waste consisting of any used, scrap, or otherwise discarded rubberized vehicle tires, including whole tires as well as the products derived from the processing of whole tires, including but not limited to shredded or chipped tires or crumb rubber.

Uuu. Transfer. "Transfer" means to receive, store, accumulate, and/or consolidate solid waste in sufficient volume to be able to containerize, with or without compaction, for efficient transportation to another facility. It does not include the transport of solid waste.

Vvv. Transfer station. "Transfer station" means any solid waste facility constructed and managed for the transfer of solid waste.

Www. Type IA residual. "Type IA residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio greater than or equal to 25:1, such as leaf and yard waste, wood chips and some vegetative wastes.

Xxx. Type IB residual. "Type IB residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio greater than 15:1 but less than 25:1, such as animal manure and most produce and vegetable wastes.

Yyy. Type IC residual. "Type IC residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that has a carbon to nitrogen ratio of 15:1 or less, such as fish wastes.

Zzz. Type II residual. "Type II residual" means a residual from a known source that does not contain hazardous substances above risk based standards in Appendix 418.A and that may contain human pathogens, such as sewage sludge, dewatered septage and disposable diapers.

AAaa. Type III residual. "Type III residual" means a residual that may contain hazardous substances above risk based standards in Appendix 418.A such as non-source-separated residential wastes and petroleum contaminated soils.

BBbb. Unstable area. "Unstable area" means any area where mass movement of earth materials, such as landslides, rock falls, mud slides, slumps, earth flows, subsidence or debris flows, are likely to occur.

CCcc. Universal waste. "Universal waste" means any waste listed in section 3.A(13)(b) of Chapter 850, the Maine Hazardous Waste Management Rules, including but not limited to cathode ray tubes; mercury-containing lamps; mercury-containing thermostats; and totally enclosed, non-leaking polychlorinated biphenyl (PCB) ballasts.

DDdd. Upper Explosive Limit (UEL). "Upper explosive limit" of a combustible gas or mixture of combustible gases means the maximum concentration (by volume) in air that will explode, ignite or burn when there is an ignition source. At concentrations above the UEL, there is insufficient oxygen to support combustion.

EEee. Vector. "Vector" means an organism such as a rodent, bird, or insect, capable of transporting infectious agents to humans.

FFff. Vegetative wastes. "Vegetative wastes" means wastes consisting of plant matter. These include plant stalks, hulls, leaves, and tree waste processed through a wood chipper.

GGgg. Waste handling area. "Waste handling area" means the portion of the facility site used for handling waste, including leachate. It includes that portion of the site within the solid waste boundary plus all associated structures and areas used for handling waste. It does not include the solid waste facility access road, internal roadways, monitoring wells, leachate transport pipelines, or storm water management structures.

HHhh. Waste reduction. "Waste reduction" or "source reduction" means activities that, singularly or in combination, reduce the quantity or toxicity of solid waste at the point of generation.

liii. Water Bodies Most At Risk From New Development. "Water bodies most at risk from new development" means the following, as identified in Chapter 502:

- (1) Lakes Most at Risk from Development;
- (2) Rivers, Streams or Brooks Most at Risk from Development;
- (3) Coastal Wetlands Most at Risk from New Development and

(4) Direct Watersheds of Waterbodies Most at Risk from Development and Sensitive or Threatened Regions or Watersheds.

JJjj. White goods. "White goods" means large appliances, including but not limited to stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers and air conditioners.

KKkk. Wood products facility. "Wood products facility" means a facility that manufactures products made of wood, including but not limited to: lumber, pulp and paper, wood chips, tongue depressors, toothpicks, clothes pins, wooden recreational equipment and furniture.

LLll. Wood wastes. "Wood wastes" means brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects, that are not mixed with other solid or liquid waste. For the purposes of this definition, "lumber" is entirely made of wood and is free from metal, plastics and coatings.

MMmm. Work plan. "Work plan" means a written plan outlining the work items, processes, and schedules for developing detailed submittals in conformance with requirements of the regulations and license.

NNnn. Yard waste. "Yard waste" means grass clippings, leaves, and other vegetal matter other than wood wastes and land clearing debris.