

**Pittsfield Town Council Package
for the meeting of
Tuesday, 2/19/2019
at 6:30 pm
Council Chambers**

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- 5. Discussion Items**

**There should be a total of 122 pages
in one PDF file not including cover.**

**Note: Copies of the materials will be available
at the Town Council Meeting.**

AGENDA

for a regular meeting of the Pittsfield Town Council, to be held on Tuesday, February 19, 2019 at 6:30 PM in the Council Chambers.

1. Open Meeting/Pledge of Allegiance, followed by Moment of Silence.
2. Adoption of minutes of the regular meeting held on February 5, 2019.
3. **PRESENTATIONS, CONGRATULATIONS AND INTRODUCTIONS**

- A. 2019 Pittsfield Spirit of America Tribute Award
- B. Community and Economic Development Activities and Events
Pinnaclefest Throwback Edition Celebrating 65 years of skiing in Pittsfield on Saturday, March 2, 2019 from 11:00 am – 4:00 pm at the Pinnacle, 271 Waverly Ave. To include ski races, mini-lessons, food, 50/50 raffle, prizes and more. Hosted by the Pinnacle Ski Club.

2019 Annual Banquet for Sebecook Valley Chamber of Commerce (SVCC) on Thursday, April 18, 2019 from 5:00 pm – 8:00 pm at Maine Central Institute Savage Family Dining Room.

47th Central Maine Egg Festival Monday, July 8, 2019 through Saturday, July 13, 2019.

4. **PUBLIC HEARINGS/OLD BUSINESS: NONE**

5. **REPORTS:**

- A. **COUNCIL COMMITTEES: FINANCE, ORDINANCE AND RECYCLING**
- B. **BOARD AND COMMITTEE UPDATES BY TOWN COUNCILORS AND MANAGER**
- C. **TOWN MANAGER'S REPORT**

6. **NEW BUSINESS:**

ORDINANCE 19-2: (To be set to Public Hearing 3/5/2019) The Town of Pittsfield hereby Ordains that Chapter 16 Shoreland Zoning Ordinance, Section 12-C Non-conforming Structures and 12-E Non-conforming Lots be rescinded and the new Section 12-C Non-conforming Structures and 12-E Non-conforming Lots be adopted.

RESOLUTION 19-20: Resolved that the Town Council accept the proposal of Harris Computer to add the PayPort module to our TRIO service to support Credit Card processing for the sum of \$900.00 and authorize the Town Manager to execute the Contract.

RESOLUTION 19-21: Resolved that the Town Council approve paying Animal Control Officer (ACO) Connie Cummings on a weekly basis.

RESOLUTION 19-22: Resolved that the Town Council authorize the expenditure of \$39,806.90 from the Pittsfield Future Fund for the 2019 Ford Utility Police Interceptor and required equipment, with such funds to be reimbursed to the Pittsfield Future Fund if and when a loan or bond is processed to fund 2019 Capital projects.

7. **DISCUSSION ITEMS: NONE**
8. **REPORTS:** Audience, Council
9. **ADJOURNMENT**

MINUTES

for a regular meeting of the Pittsfield Town Council held on Tuesday, February 5, 2019 at 6:30 PM in the Council Chambers.

PRESENT: COUNCILORS: Mayor Timothy Nichols, Deputy Mayor Heather Donahue, Councilor Matt Bolster, Councilor Howard Margolskee, Councilor Caleb Curtis and Councilor Debra Billings.

ABSENT: Councilor Stackhouse.

Also present: Town Manager Kathryn Ruth, Assistant to the Town Manager Michael Feole

AUDIENCE: Jan Laux, Donna Laux, Holly Williams, Don Hallenback, Joe Sanborn, Pete Logiodice, Leslie Holten, Becka Nadeau, Sarah Lawrence, Molly Thierren, Jeane Boisvert, Amanda Collomore, Michael Cianchette, Anna Bockis, Ron Watson, Don Chute, Pete Bickmore, Jennifer Watson, Jane Woodruff, Don Woodruff, Michael Leblanc, Tania Hassard, Jeremy Thurston and Eric Witham.

1. Mayor Nichols opened the meeting by leading the Pledge of Allegiance.
2. The Council observed a Moment of Silence.
3. Adoption of minutes of the regular meeting held on January 2, 2019 and January 15, 2019.

Moved by Councilor Bolster and seconded by Councilor Curtis that the minutes of the meeting held on January 2, 2019 and January 15, 2019 be adopted.

VOTE: UNANIMOUS AYE

4. PRESENTATIONS, CONGRATULATIONS AND INTRODUCTIONS

- A. The current status of Recycling by Don Chute
Don Chute, Transfer/Recycling Coordinator, presented background on the Recycling Program.

2018 Transfer Station/Recycling Center Statistics Analysis:

-Transfer Station 2018 Budget = \$424,954.00
-Transfer Station 2018 Spent = \$392,899.32 (+ \$33,189.58)
-Transfer Station 2018 Revenue = \$34,498.87
-Recycling Center 2018 Budget = \$99,174.00
-Recycling Center 2018 Spent = \$93,536.20 (+ \$5637.80)
-Recycling Center 2018 Revenue = \$42,418.00 (Still waiting 5 payments +/- \$6,000) = \$48,418.00
-Municipal Recycling Tonnage recovered = 1079.49 tons
-Organics and Miscellaneous Recycling Tonnage Recovered = 200 Tons Estimated
- Avoided Cost for Disposal 1279.49 tons @ \$65.00 per ton = \$83,166.85
- Cost of Recycling Program = \$48,418.00 Revenue + \$83,166.85 avoided cost = \$131,584.85 minus operating cost \$93,536.20 = OVERALL SAVINGS OF FACILITY = \$38,048.65
-SUMMARY: The Transfer Station/Recycling Center Saved the Taxpayer through revenue and avoided costs \$229,273.30.
***** TOTAL SOLID WASTE BUDGET \$524,128.00 Minus Savings \$229,273.30 = \$294,854.70
**** ACTUAL COST TO TAXPAYER FOR TRANSFER STATION & RECYCLING CENTER - \$294,854.70
*****Cost to run program of similar sized community +4000 people = \$600,000.00

Highlights of the Program 2018:

- 273.15 tons of Cardboard were recycled
- 93.54 tons of Newspaper/magazine and 90.1 tons of White paper recycled
 - 55.29 tons of glass recycled for beneficial use
 - 30.1 tons of plastic recycled
 - 349.78 tons of Metals recycled
 - 55.29 tons of glass recovered for beneficial use
 - 107.62 tons of materials were recovered for reuse
- 71 tons of universal waste and electronics were dismantled and 100% recycled
- Over 200 tons of organics were removed from the solid waste saving over \$13,000.00
- Recovered 1100 gallons of used motor oil (Skowhegan Recycling Center used to heat Building)
- Recovered 4.9 tons of Toxic chemicals from entering Maine Landfills during our annual Household Hazardous Waste collection event.
- Purchased New 2018 Kenworth Waste Transporter so we can continue to transport our solid waste and recyclables. Saving more than \$25,000.00 in contractual costs.

Opportunities for Solid Waste/Recycling Program:

- Try to find creative ways to find new revenue markets for more recyclables
- Use of social Media to educate more residents on importance of our current program.
- Look at trying to get more Municipalities to join our program by maintaining low user fees for use of our recycling program.
- Try to recruit private companies to bring clean recyclables to our facility by showing them the benefits of reducing solid waste costs.
 - Increase the cost of a Transfer Station Sticker from \$1.00 to \$5.00. Fee hasn't changed since 1986.
 - Increase the fee on car and truck tires for Towns/Businesses from \$1.00 each to \$2.00 each. This fee has been the same since 2004.
- We could look at a small fee for the disposal of Over-Sized bulky Items like couches, Chairs, Mattresses, and similar Items.
 - Could increase our MSW fee to commercial haulers.
- Could look at banning or not accepting construction debris at our facility. It would be the responsibility of the homeowner to rent dumpsters from commercial haulers. Could save over \$30,000.00 per year. This works well in the Town of Canaan.
 - Accept white goods and metals from any entity because it would create extra revenue for the Town.
 - Could assess a fee to accept recyclables from commercial haulers who want to use our facility.
 - Could charge a small per gallon fee to handle waste-oil.
- Could look at a Pay per bag system even though it has been voted down in the past. Its not a popular with the town residents and creates other issues of starting an enterprise account.
- look for another area in town to place a second recycling bin to try to recover more materials.

B. 2019 Pittsfield Spirit of America Tribute Award

The Town Manager reviewed the list of nominees to date for the Spirit of America award. The Town Council will choose a candidate at their next meeting. If Councilors have any further Nominees, please submit them on or by Tuesday, February 12, 2019.

C. Community and Economic Development Activities and Events

2019 Annual Banquet for Sebecook Valley Chamber of Commerce (SVCC) on Thursday, April 18, 2019 from 5:00 pm – 8:00 pm at Maine Central Institute Savage Family Dining Room. If anyone would like to attend, please let the Town Manager know so she can have the registration done.

47th Central Maine Egg Festival Monday, July 08, 2019 through Saturday, July 13, 2019

New Businesses in town include Gracielynn Photography, Maine Central Motors, Sundew Yoga Studio and Dental Lace order fulfillment center. Outland Farms Micro-brewery hopes to be opening soon. Suzie Morton hopes to be opening her Florist shop in Somerset plaza shortly. We have two offers for 4 lots in the Industrial Park and hope to be initiating the purchase process soon. The Pittsfield Economic Expansion Corporation Directors have been contacted for a meeting and the date will be set shortly to meet with the interested parties.

4. **PUBLIC HEARINGS/OLD BUSINESS: NONE**

5. **REPORTS:**

A. COUNCIL COMMITTEES:

FINANCE- No Report

ORDINANCE- The Ordinance Committee met on 1/22/2019 and discussed the following items: Moving the Home Enterprise setback from 50' to 30', The home occupation clause requiring all equipment to be housed within the building and changing it to allow equipment to be located outside of the structure in a fenced in area, prohibiting Herbicides and Pesticide use on town property, the MUBEC codes to allow tiny houses and how to regulate them and changing the requirement from having building owners be responsible for making the entire connection to the sewer to having them be required to dig to the side of the street. The Committee needs to meet with the Assistant Water/Sewer Superintendent.

RECYCLING-No Report

B. BOARD AND COMMITTEE UPDATES BY TOWN COUNCILORS AND MANAGER

Theatre Committee- Ann Matthews shared that the Committee has a new members and a new Chair. They also formed a sub-committees. The website for the town and theatre are bad. We received a report from the town for expenses and revenues for the last 15 years and it was too big and confusing. It didn't need to be printed. It could have been delivered in a PDF file. Is Donna Salaried? (Town Manager-No, a few years back the State raised the limit to be salaried to over \$50,000 and those who, like Donna, were not making that much became hourly employees.) Can volunteers work in the Theatre to replace the part-time help? (Town Manager- Yes. But they would need training.) The expense and revenue report is incomplete and needs to be broken down. (See Town Manager report)

Bicentennial Committee- Meets tomorrow at the MCI Student Center at 6:00 PM. The storefront next to Stan's barbershop is coming along nicely. It is not open for regular hours yet. We have 2 events coming up:

2/9/2019-Dinner and Valentine Dance at the UU Church. Also is the Welcome Table's 10th anniversary of service to the town.

3/2/2019- PINNACLEFEST.

C. TOWN MANAGER'S REPORT

The Theatre budget report was delivered to the Theatre Committee on 1/30/2019.

We ran out an expense summary for each year except 2018, which still has accounts payables for bills not yet received. We ran a complete Revenue history from 2003 to 2018. We put the 2017 and 2018 data into a monthly format which resulted in another 48 reports. I spoke with Rochelle about the reports as she is reviewing the finances. The Town was requested to run out 15 years

of records for the Theatre as well as to print out specific reports. All reports were made available to everyone who asked for material. We printed out every type of report that was available in the financial system. Most individuals wanted printed copies of the reports so these were provided.

The Ordinance for the Retail Marijuana Distribution Ban was not needed at the end of the last 6 month period because the State changed the law so that a town has to opt-in to allow retail sales.

Tax liens for 2016 taxes resulted in the town acquiring 6 properties. The CEO is going to check each property in the next week to see what issues were inherited. They are mostly small parcels of land with either mobile homes or small houses. We do not expect to take possession because this would lead to liability issues and there is no need to do so in order to sell the properties.

KVCOG is having a Meet & Greet for their new director on 2/20/2019 from 11:00-1:00.

We received notification from Somerset County for their County budget meeting on 2/11/2019 at 6:00 PM in the St. Albans Town Office. There are 2 vacancies in our district, 1 for a 2 year term and 1 to complete a term expiring in 2020.

The Welcome Table is celebrating their 10th anniversary of service to our community. Their vision is to have a place to socialize, have a meal and for community spirit. They serve lunch every Friday and anyone is allowed to attend. They collect donations. There will be a celebration Dinner and Valentine Dance at the U.U. Church on 2/9/2019.

6. NEW BUSINESS:

RESOLUTION 19-12: Resolved that the Town Council confirm the Town Manager's appointment for the Librarian's position in accordance with the Personnel Policy Regulations.

The Town Manager reviewed the application and selection process. She advised that Holly Williams had been selected.

Moved by Councilor Bolster and seconded by Councilor Curtis that Resolution 19-12 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 19-13: Resolved that the Town Council accept the proposal of Charter Communications Operating LLC. In the amount of \$84.98 per Month and one-time installation charge of \$99.00 for High Speed Internet Service (100/10 MBS and 5 IP Addresses) at the Pittsfield Community Theater and authorize the Town Manager to execute the Service Agreement.

Ann Mathews asked about this resolution and it was explained that this proposal would save money over the current provider. It is for a month to month contract.

Moved by Councilor Curtis and seconded by Councilor Billings that Resolution 19-13 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 19-14: Resolved that the Town Council authorize the Town Manager to execute a contract for the Police Department with the Humane Society – Waterville Area for the period of January 1, 2019 – December 31, 2019 to not exceed \$6,659.70 for the year and authorize the Town Manager to sign same.

Moved by Councilor Curtis and seconded by Councilor Billings that Resolution 19-14 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 19-15: Resolved that the Town Council waive the bid policy, Chapter 2, Administrative Code, Section 106, to follow the State Bid Package for police Cruisers and to accept the proposed bid of Quirk Ford of Augusta in an amount not to exceed \$31,611.00 for a 2019 Fleet/Non-Retail Ford Utility Police Interceptor.

There was a discussion regarding the fact that this is part of the capital budget to be paid for by a loan with the debt service payment coming out of the Pittsfield Future Fund. If this is pursued, then this expense could be paid by the interest that had accumulated in the account and then reimbursed once the loan is acquired. There was interest in doing this so the Town Manager will review the account and bring back a proposal to the next meeting.

Moved by Deputy Mayor Donahue and seconded by Councilor Margolskee that Resolution 19-15 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 19-16: Resolved that the Town Council waive the bid policy, Chapter 2, Administrative Code, Section 106, and to accept the proposed bid from Yankee Communications in the amount of \$8,195.90 for equipment to outfit a 2019 Ford Utility police Interceptor.

Moved by Councilor Bolster and seconded by Councilor Curtis that Resolution 19-16 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 19-17: Resolved that the Town Council accept a grant from Somerset County and the Maine Emergency Management Agency (MEMA) in an amount to not exceed \$16,412.00 and authorize the expenditure of those funds for same.

Michael Cianchette asked what are the funds to be spent on? The Police Chief advised portable radios, laptops, ballistic vests and ballistic helmets.

Moved by Deputy Mayor Donahue and seconded by Councilor Billings that Resolution 19-17 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 19-18: Resolved that the Town Council authorize the Town Manager to apply for a grant from the Federal Aviation Administration (FAA) in the amount of \$129,600.00 and the Maine Department of Transportation (MDOT) in the amount of \$7,200.00 with a 5% match from the Town of \$7,200.00 for a total

project of \$144,000.00 for the Preliminary Design and Permitting to Construct an 8-Unit T-Hangar and Apron at the Pittsfield Municipal Airport under Airport Improvement Program (AIP) Project No. 3-23-0036-xxx-2019; upon award to execute all paperwork on behalf of the Town of Pittsfield and authorize the expenditure of those funds for same.

Councilor Curtis explained the project at the Pittsfield Municipal Airport that will be a hanger with space that is rented or leased out to individuals and companies with planes. All revenue will go to the Town. The Town Manager explained the grant process briefly.

Moved by Councilor Billings and seconded by Deputy Mayor Donahue that Resolution 19-18 be adopted.

VOTE: UNANIMOUS AYE

RESOLUTION 19-19: Resolved that the Town Council appoint the following members to the following Town Boards and Committees.

The list of nominees will be attached to the Minutes.

Moved by Deputy Mayor Donahue and seconded by Councilor Bolster that Resolution 19-19 be adopted.

VOTE: UNANIMOUS AYE

6. **DISCUSSION ITEMS: NONE**

7. **REPORTS:**

Audience:

Michael Cianchette- I have a comment, a clarification and a question. Thanked the audience. The numbers that Donnie is showing is commendable. The motion was made to close the Theatre altogether. Another comment came up to cut it in half and let it go as far as they can. I remember stating that the Bicentennial celebration would be the last thing held in the Theatre.

The video files as far as being stored is sufficient.

Has the Town Manager evaluation been completed for 2018? (Town Manager- It is to be completed by the end of the month).

Ron Watson- Asked who moved and seconded Resolution 19-12 (Assistant to the Town Manager-It was moved by Councilor Bolster and seconded by Councilor Curtis.)

Thanked Donnie for the report.

The video is good. Can we voice recognition? (Assistant to the Town Manager- Asked the company when the service was set up if we could use voice recognition and they said no. The software cannot handle an environment with different voices and people talking at once. Most voice recognition software has the user speak 200 words into it so that it can learn the person's voice.)

Facebook and YouTube is a great way to demonstrate what is recyclable or not.

Requested the background information on the agenda items for the audience that the councilors get. I know that we would go through a lot of paper but we could fill out a form for those interested and send them a PDF via email or charge if they want it printed out.

If money is being spent, wants to know all of the information of where it is coming from, where it is going, and the Finance Committee should be approving those things. An Economic Development Team is a great idea. People can serve on the committee and help with state grants. Can they help write grants? (Town Manager - Over the years I have worked with several people who had experience writing grants so yes, that is something that we would do.)

The Comprehensive Plan is useful to have read through. I see is a disconnect between the residents, the Town Council, and what the Comprehensive Plan thinks the direction should be. Perhaps we can invite the community for a workshop.

Jan Laux-Most of you know who I am. I am Mr. Bicentennial. We have talked about the Comprehensive Plan at the Planning board meetings to have a workshop before we take it to the community. There may be things in there that need a second look such as how to attract people to town.

Ron Watson- The Historical Society met last week to review and update the bylaws and we are working on the database. Tom Roberts is willing to teach those interested how to use the database.

Michael Leblanc- My partner, Rosalie Williams, currently serves on a board at Kennebec Valley Health. She has nominated people from the community for those awards. She is on the nominating committee and they are instituting a System Advisory Committee. She has nominated Police Chief Bickmore.

Council:

Councilor Bolster: Thanks to Don for his presentation. Staying on-topic when we discuss resolutions is an issue but we have to have discussions. When we did the budget process, I felt hurried. Is there a better way to use our time constructively so that we can get everyone to throw their ideas out there and still get things done in a timely manner? (Mayor Nichols- The last time that I was here as Mayor he heard that some people felt shut down. I want to make sure everyone gets a say.) Town Manager evaluation- Has not done it before so wanted to know why Kathryn needs to put work into it? (Town Manager- I put together information from the whole year. I would work on it on the weekends) I have been in a lot of other towns and they have an agenda on one side of the paper and the minutes on the other side of the paper. It was such a culture shock when I am getting this much paper at every meeting. Obviously a lot of it is background for items that we are going to be talking about but other towns in my experience do not do as thorough a job as this town does. I think that we should have more of a synopsis for the minutes. Thanked Mike for doing what you do with the audio cassette tapes and the video. (Town manager-We are fortunate to have such great council packages.) Pittsfield is much more professional than other towns. They just huddle in a corner and you have to find a chair. We have desks and a place for everyone to sit. The last thing that I want to bring up is the recent Freedom of Information Act request that the Council and Town Manager got in December. I assume that we already have a policy for that? We discussed earlier that the press was not going to have to pay for that. (Town Manager-Yes, we had thousands of pages of materials and some are still at the town attorney's office being reviewed. I had to work on this as soon as I came back. I had staff working on it before, printing out emails, collecting your emails, etc. In the future we will have to handle this differently because it is taking an excessive amount of time and money. I have only had one other request like this and it was only for one piece of information. Since it was the press, so we did not charge but we will have to look at that in the future.)

Deputy Mayor Donahue: Announced that she had met with the other members of the site selection committee for the Maine Cheese Curd Festival and I am proud to say that we are coming to Pittsfield on September 8, 2019. They loved the park. They loved the town. Being able to use the abandoned airstrip for

parking is what cinched it. We will be coordinating with the Town departments for parking and having buses coming and going from the airport. We are looking at 2000-2200 people coming to town for this festival. I have been working with Kathryn on the details such as FAA permission to use the airport. Jan Laux and Barbara Denaro have been in contact to plan a concert. If anyone wants to volunteer or sponsor please contact me. Thanks to Donnie for the report that he did. It is nice to see all of the work that he puts in. As far as the background information in the Town Council package, I don't think that we need that much information mentioning the airport grant. Does not want it to be burdensome to volunteer for certain projects. If people volunteer, then we have to let them volunteer. On the theatre motion, it was originally to close the theatre. Then we changed it to be half funding. I want an Executive Session to discuss the town attorney's letter about the Police Union Grievance.

Councilor Margolskee: Thanks to the folks that came tonight. Donnie, you did a great job tonight. I want to congratulate Holly on her appointment. I spoke to Mayor Cianchette and he sent you the request for your evaluation. To say that it was a mandated vacation overstates the issue. It is part of your job to stay healthy and take time to rest. Every time that you delay brings you lower in my esteem. And it will be reflected on your evaluation. The way that we treat people here is with respect and we are supposed to get respect back. I feel that this is long overdue to be resolved. This is usually done in December. (Town Manager – the request for the evaluation package was sent after I went on vacation. Then Deputy Mayor Stackhouse, who was asked to finish up the process, indicated that I should not worry about it, that we would take care of it when I get back from vacation which is what we are doing.)

Mayor Nichols: Thanks to Don for his presentation. Congratulations to Holly. I want to put a couple of names on the Spirit of America list: Chuck Cianchette and Ron Curtis. If I am letting people get off point it is because I want them to feel heard.

Councilor Curtis: Thanks to Donnie for a good report. I am glad to see the Ordinance Committee met. Congratulations to Holly. I am glad to see that the Cheese festival is coming to town. 70% of the airplane work that we do is from out of town.

Councilor Stackhouse: Absent

Councilor Billings: Thanks to Don. I appreciate it. You have dispelled rumors out there. Thanks to Ann Mathews for coming and the quandary that she is in.

It is good to have as much explanation as possible on everything that we do.

I am not against the Theatre. I am against the town paying to support it.

We need to stay on-point and not let discussions go on to other things. I don't feel respected.

9. ADJOURNMENT

Moved by Councilor Bolster and seconded by Councilor Margolskee to adjourn at 10:30 PM.

VOTE: UNANIMOUS AYE

Michael Feole, Deputy Town Clerk

Minutes are a synopsis of a meeting. For more detail, please go to www.pittsfield.org and click on Town Meeting Videos to listen to videos of Town Council and other Board/Committee Meetings.

TOWN COUNCIL MEETING OF __02/19/2019__:

PUBLIC HEARINGS

NEW BUSINESS

REPORTS

DISCUSSION ITEMS

OLD BUSINESS

EXEC. SESSION

ORDER 19-_____

PACKAGE

RESOLUTION 19-_____

ADDITION

ORDINANCE 19-_____

TO BE TITLED: Presentations, Congratulations and Introductions

DESCRIPTION:

2019 Pittsfield Spirit of America Tribute Award

Councilors will choose the next citizen/group to receive the Spirit of America Tribute Award for 2019.

Attached is the updated list of nominees.

SUBMITTED BY: _____
DATE: _____
AGENDA-5220

(KR)

02/13/2019

Nominee Suggestions for 2019 of Spirit of America Foundation for 02/19/2019 Council Meeting:

The Spirit of America Foundation Tribute is presented in the name of Maine municipalities to local individuals, organizations and projects for commendable community service. A brief synopsis of years of volunteerism for each nominee is listed below.

1. Andrew Gibson – long-time Reverend in the community, many volunteer projects, organized the first 911 ceremony in the community to honor the victims and help the town to heal. As a Chaplain LTC of the Maine Army National Guard, Andy has served on several active tours for his country.
2. Betsy Doane – long-time Chair of the Pittsfield Garden Club, hundreds of volunteer hours of leadership of the group, organizing Garden sales, and working at sites maintained by the Garden Club at the parks and other community locations. The Garden Club has taken over the hanging flower baskets after Mary's Gardens re-located out of state with the flowers grown on Betsy's property.
3. Deanna Tilton – volunteered for several years at the Pennywise store and now manages and operates the Pittsfield Trash to Treasure Re-use Center. Hundreds of hours dedicated to helping citizens and organizations as well as matching people up to donated items. Deanna is the main person responsible for the success of the Re-Use Center.
4. Paul Bertrand – long-term volunteer on all projects dealing with children. Many terms on the Recreation Committee, has run the Little League and other sports events over the decades as well as the Snack Shacks. Coordinator of the Swimming Pool Construction Project as well as other Town park renovations. For decades, Paul has been the "go-to" person for Manson park and recreation. Currently serving on the Maine Central Institute Trustees and has served on many MCI committees. When one thinks of recreation for children in Pittsfield, the name 'Paul Bertrand' comes to mind.
5. Robert Downs – long-term SAD#53 Chairperson for the Board, extensive involvement in the school system as well as long-time involvement with Seabasticook Valley Hospital. Totally committed to education for children.
6. Tom Brown – long-time member of the Pittsfield Historical Society. Organized the Town's history. Most of the creations of history and archives both on the PHS website and in the Historical Depot are the efforts of hundreds of hours of volunteer service. For over a decade, if there was an issue that needed research or materials to be collected, Tom was the "go-to person." Tom is the individual who goes to the Depot regularly for over a decade to open up the facility and organize the donations.
7. Trudy Ferland – long-time volunteer and community activist. Trudy founded the Welcome Table, Mid-Maine Community Forum and worked on the Senior Companion program. She is active in her church, politics, and civil rights issues. Over the years, Trudy has organized many events, activities and coordinated many efforts to help the citizens.
8. Alan Dunphy – long-time member of the Planning Board since October 1999 until his retirement from the board on December 31, 2014. Member of the Comprehensive Plan Committee in the 1990's responsible for the creation of the 1997 Plan. Guided the Planning Board through the update and creation of the new Comprehensive Plan approved in August, 2013.
9. Timothy Nichols – long-time member of the Town Council since 1997, volunteering for committees and activities. Has led the Recycling Committee during the same period of time. Recipient of the Seabasticook Valley Elks Citizen of the Year Award in April of 2016.
10. Chuck Cianchette, In the Memory of -Known as Chuck to all, his given name was Alton E. Cianchette. Chuck was an American businessperson and politician from Maine. Cianchette was born in Pittsfield as the youngest of seven children. He graduated from Maine Central Institute. He passed away on January 18, 2000 when his single engine 1948 Cessna crashed in rural eastern Kentucky en route from Maine to his winter home in St. Petersburg, Florida.
11. Ron Curtis, In the Memory of – Ron was the long-time Airport Manager at the Pittsfield Municipal Airport. Ron did everything at the Airport from working on planes to flight instruction to operating the antique snowblower machine to clear out accesses for pilots. Ron lost his life when instructing a pilot in his student's plane at the airport. Everyone liked Ron and he helped everyone.
12. Bernard William - Long-time Fire Chief for the Town. Bernard was appointed on February 4, 1977 as Fire Chief of the community, serving 42 years in that position. Prior to serving as Fire Chief Bernard was a member of the Fire Department. Bernard serves on many regional boards and is

Active in the Maine Fire Chief's Association. He also is the local contact for the Salvation Army which works out quite well for the Town in making sure that people can receive help.

Citizens we had already nominated for regional, state or other non-municipal awards and received them, are not listed above. Examples are Jane Woodruff and Ann McGowan who were nominated by the Town for the Sebeco Valley Chamber Award for the region.

Past Pittsfield Awardees:

2012 – Community Christmas Project

2013 – Sumner Jones

2014 – Thomas Pierce

2015 – Beverly Rollins

2016 – In the Memory of Steven Emery

2017 – Spencer Havey

2018 - Lancey Bradshaw

TOWN COUNCIL MEETING OF __02/19/2019__:

____PUBLIC HEARINGS

____NEW BUSINESS

X____REPORTS

____DISCUSSION ITEMS

____OLD BUSINESS

____EXEC. SESSION

____ORDER 19-____

X____PACKAGE

____RESOLUTION 19-____

____ADDITION

____ORDINANCE 19-____

TO BE TITLED: Presentations, Congratulations and Introductions

DESCRIPTION:

1.Community and Economic Development Activities and Events: Further updates will be provided regarding projects as information becomes available:

Report on:

Events:

Pinnaclefest Throwback Edition Celebrating 65 years of skiing in Pittsfield on Saturday, March 2, 2019 from 11:00 am – 4:00 pm at the Pinnacle, 271 Waverly Avenue. To include ski races, mini-lessons, Food, 50/50 raffle, prizes and more. Hosted by the Pinnacle Ski Club

2019 Annual Banquet for Seabasticook Valley Chamber of Commerce (SVCC) on Thursday, April 18, 2019 from 5:00 pm – 8:00 pm at Maine Central Institute Savage Family Dining Room

47th Central Maine Egg Festival Monday, July 08, 2019 through Saturday, July 13, 2019

Report on New Business Activity & Opportunities in Pittsfield:

Pittsfield Economic Expansion Corporation (PEEC) Meeting on 02/13/2019

A. General:

One project involving building/s are under review. This project would be in the future involving 1-2 Industrial Park Expansion lots for the construction of a new building. This project has started developing with the owner's business consultant meeting with the Town Manager about the purchase of 1 or more Industrial Park lots. The Town just received a proposal for the purchase of two (2) of the remaining (4) industrial park lots which is exciting. We intend to bring the Pittsfield Economic Expansion Corporation (PEEC) together to meet with the interested party and to put together a proposal.

In addition, a few private sector business activities remain under review and small projects continue to be vetted. To address the few remaining available small locations, additional promotional pieces beyond our regular promotion of available properties had been provided to economic and community development resources and sites. We have received inquiries about industrial park buildings and have provided information on the GE Building. Other inquiries have been received regarding the available industrial park lots. Most inquiries received this summer for industrial park lots need much larger parcels, therefore, we

have provided information on private sector opportunities. The Town has received a number of inquiries about available buildings in Town and provided information and assistance to business representatives collecting information on potential sites for their business or client. Some of the inquiries were from our website marketing materials while others were from the economic development information that we sent out on the internet. Still other inquiries were from advertising conducted on behalf of the property owners by their real estate agent or themselves. We are concentrating on a strategic Main Street location now. Calls continue to be received regarding the former small Bangor Savings Bank location at the Plaza. We will continue to work with several companies that wish to expand and/or locate in Pittsfield. These projects are all on-going in the development and feasibility phases.

Central Maine Motors on Main Street and **Amanda Sarples** on Estelle Street have recently had their inspections completed and are approved as our latest two businesses. Amanda has opened **Gracielyn Photography**.

Suzy Morton's new Flower and Gift Shop will be opening at Somerset Plaza in the near future in the former **Corinne's Gift Shop** location by Subway. This is exciting for Suzy and her family as well as the Town! The Town Office and our customers have been enjoying Suzy's flower display for the last few weeks. Suzy's new business has just opened called **The Flower Studio** at 117 Somerset Plaza. The Flower Studio is located next to Subway.

Holly Zadra's yoga studio Sundew Studio is certainly gaining interest and customers. Holly's studio will be located at 113 North Lancey Street in January 2019 at the wonderful Business Center that houses a variety of small businesses and entrepreneurs. The studio completed its inspection and has been open for business.

Dental Lace's new packaging/fulfillment center for on-line orders was announced at the beginning of October 2018 at the Council Meeting for the former **McMann's Auto** property on Main Street (formerly known as South Main). This is exciting especially as the company is owned by a former citizen who grew up in Pittsfield.

The Community Development Block Grant Project for Innovative Specialties LLC started in the Industrial Park Expansion. This was a \$260,000 grant toward the cost of the new Manufacturing Facility. The foundation is in and the building has begun. As of April 25, 2018, the timbers for the roof were up and in May, the building had been framed in. The project is moving very quickly. In July 2018 we had some great promotion of this very important economic development project. The project was expected to be in full operation in November 2018 and it is! The parking lot had many vehicles in it. The business has been open since November. The grant is in the process of being closed out. The Town has received the grant funding for the company. We have asked to have the close out of the grant completed.

The Town was formally awarded a **Community Development Block Grant for Economic Development for the Main Street Sidewalk Project** on Wednesday, November 15, 2017. This will be a good project for the downtown. We have a group of volunteers ready to work on the project once the State of Maine starts moving forward with a plan for the Main Street Road work. The State has not officially started the project yet. We need the State's schedule so that we can match with it appropriately. The bid specifications for the engineering consultant for the project were drafted and forwarded to the Maine Department of Transportation for review and approval. MDOT has not responded and it was decided at the June 19, 2018 Council Meeting that the Town will move the project forward by going out in front of the MDOT and design the project first rather than in conjunction with MDOT. The Request for Quotations for Engineering and Design Service was released immediately that evening, June 19, 2018, with multiple engineering firms contacted and the legal ad forwarded to the newspaper. The Town contacted more engineering firms the next day. The project has had a lot of interest from engineering firms. CES, Inc. was chosen as the engineer and is currently in contact with MDOT about the project so that they can review materials. The

Town then was advised of the actual schedule for the project and a summary of the meeting was provided to the Town Council. MDOT's project will take place in 2020-2021. MDOT is supposed to have its survey completed in November so that the Town may begin design work. Calls have been made to MDOT and CES, Inc. about obtaining this work so that CES, Inc. can begin work. CES, Inc. sent background information about how the Town needs the State's direction on the roadway in order to design the sidewalk. This letter was read at the last meeting. Several calls have been made to MDOT regarding the schedule and during the last call the Town was advised that the survey work for the design would be ready by late Spring 2019.

The Northern Regional Border Commission Grant project is now underway with the issuance of the Request for Qualifications for Engineering for the Madawaska sewer main project. In June 2017, the Town asked for guidance from the federal government on this project and has been awaiting a response. After notifying the federal government agency in charge of the grant that the project has changed from an industrial complex as indicated in the grant application, the Town has been awaiting written confirmation that the project may proceed forward. The Town also filed for an amendment to the project. We had checked on our request on a regular basis. Written confirmation was received on Tuesday, May 22, 2018 and interviews were scheduled with the interested engineers on Wednesday, May 23, 2018. An engineer was hired at the Tuesday, June 05, 2018 Council Meeting. The project is being designed now. Survey work has been completed and a design established for submittal and review. The project was put out to bid, a low responsive responsible bidder was determined and the low bid accepted at the last Council Meeting. We are waiting for the results of a scheduled meeting with MDOT to determine exactly what is taking place with the Town's request for a road opening permit for Madawaska Avenue on this project. The meeting took place with several items to be reviewed including an inspection plan for the project which the Town had already planned to put together this winter. The contract paperwork has been executed by the contractor chosen for the project. The next step will be for the engineer and town staff to sit down to talk about how to inspect the property which then will be conveyed in a plan to MDOT.

The Town has received a massive amount of grants for **many wonderful capital projects** as well as low interest loans with forgiveness which have assisted in saving the community tax dollars while making improvements.

B. Properties for Sale:

1. Former Seabasticook Valley Health (SVH) Office Building: The former SVH Offices which included the Dental Clinic is for sale. This property is in excellent condition inside. The Town has reviewed the facility with SVH Officers and will be listing the property to assist in its sale. SVH is also talking with real estate agents and has now officially listed the property for sale in late September 2017. Several referrals have been made by the Town. The property is listed with a real estate company.

C. Projects Under Review:

1. Outland Farm's Microbrewery and Events Center:

The Hollands and their engineer recently met with the Town Manager and Code Enforcement Officer. They are working on a commonsense approach to their facility which we have endorsed. It will require a re-submittal to the Planning Board.

D. Report on Meetings & Events:

Report on Meetings:

Theatre Committee Meeting on Wednesday, February 6, 2019 at 6:00 pm

Bicentennial Committee Meeting on Wednesday, February 6, 2019 at 6:00 pm at Maine Central Institute

Planning Board Meeting on Monday, February 11, 2019 at 7:00 pm

Theatre Committee Meeting on Wednesday, February 13, 2019 at 6:00 pm

Theatre Committee Meeting on Wednesday, February 20, 2019 at 6:00 pm

Theatre Committee Meeting on Wednesday, February 27, 2019 at 6:00 pm

Upcoming Meetings:

Meetings are in the process of being scheduled.

SUBMITTED BY: _____

DATE: _____

AGENDA-5219

KR

02/13/2019

TOWN COUNCIL MEETING OF __2/19/2019__:

PUBLIC HEARINGS NEW BUSINESS
 REPORTS DISCUSSION ITEMS
 OLD BUSINESS EXEC. SESSION
 ORDER 19-_____ PACKAGE
 RESOLUTION 19-_____ ADDITION
 ORDINANCE 19-_____

TO BE TITLED: Tax Acquired Properties to be discussed under Town Managers Report

DESCRIPTION:

Account #	Name	Amount
2322	Cross, Anthony	\$ 167.63
493	Deavila, Greta M	\$ 99.93
2636	Handley, Anna	\$ 473.60
1283	Maynard, Linda K	\$2581.53
489	Parsons, Teresa A	\$ 510.01
2605	Sinclair, Brian	\$1479.77
2606	Sinclair, Brian A	\$ 223.61
323	Wright, Marion D & Russel Q II JT	\$1011.86
	Total	\$6547.94

SUBMITTED BY: Kathryn Ruth

DATE: 2/14/2019

AGENDA-

RE Account 493 Detail
as of 01/14/2019

493

Name: DEAVILA,GRETA M & STRIGA,JAY C (HEIRS)
TC
Location: SNAKEROOT ROAD
Acreage: 9.6 Map/Lot: 005-002-A
Book Page: B1566P145

Land: 2,200
Building: 0
Exempt: 0

Total: 2,200

2018-1 Period Due:
1) 47.09

Ref1: B1566P145 B1426P123
Mailing PO BOX 371
Address: GLENNVILLE WV 26351

Year	Date	Reference	P C	Principal	Interest	Costs	Total
2018-1	R			46.20	0.89	0.00	47.09
2017-1	L *			45.54	3.94	77.68	127.16
2016-1	L *			44.44	1.99	55.49	101.92
2015-1	L *			0.00	0.00	0.00	0.00
2014-1	R			0.00	0.00	0.00	0.00
2013-1	R			0.00	0.00	0.00	0.00
2012-1	R			0.00	0.00	0.00	0.00
2011-1	R			0.00	0.00	0.00	0.00
2010-1	R			0.00	0.00	0.00	0.00
2009-1	R			0.00	0.00	0.00	0.00
2008-1	R			0.00	0.00	0.00	0.00
2007-1	R			0.00	0.00	0.00	0.00
2006-1	R			0.00	0.00	0.00	0.00
2005-1	R			0.00	0.00	0.00	0.00
2004-1	R			0.00	0.00	0.00	0.00
2003-1	R			0.00	0.00	0.00	0.00
2002-1	R			0.00	0.00	0.00	0.00
2001-1	R			0.00	0.00	0.00	0.00
2000-1	R			0.00	0.00	0.00	0.00
1999-1	R			0.00	0.00	0.00	0.00
1998-1	R			0.00	0.00	0.00	0.00
Account Totals as of 01/14/2019				136.18	6.82	133.17	276.17

Per Diem

2018-1	0.0101
2017-1	0.0087
2016-1	0.0085
Total	0.0274

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Pittsfield
8:56 AM

RE Account 2636 Detail
as of 01/18/2019

01/18/2019
Page 1

Name: HANDLEY,ANNA

Location: 20 BARNEY CIANCHETTE ROAD
Acreage: 2.38 Map/Lot: 004-029-A
Book Page: B3975P37

Land: 22,700
Building: 11,200
Exempt: 20,000

Total: 13,900

2636

2018-1 Period Due:
1) 297.79

Ref1: B3975P037
Mailing PO BOX 166
Address: CLINTON ME 04927

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2018-1	R				291.90	5.89	0.00	297.79
2017-1	L	*			287.73	25.11	57.67	370.51
2016-1	L	*			381.78	60.48	73.59	515.85
2015-1	R				0.00	0.00	0.00	0.00
2014-1	R				0.00	0.00	0.00	0.00
2013-1	R				0.00	0.00	0.00	0.00
2012-1	R				0.00	0.00	0.00	0.00
2011-1	R				0.00	0.00	0.00	0.00
2010-1	R				0.00	0.00	0.00	0.00
2009-1	R				0.00	0.00	0.00	0.00
2008-1	R				0.00	0.00	0.00	0.00
2007-1	R				0.00	0.00	0.00	0.00
2006-1	R				0.00	0.00	0.00	0.00
2005-1	R				0.00	0.00	0.00	0.00
2004-1	R				0.00	0.00	0.00	0.00
2003-1	R				0.00	0.00	0.00	0.00
2002-1	R				0.00	0.00	0.00	0.00
2001-1	R				0.00	0.00	0.00	0.00
2000-1	R				0.00	0.00	0.00	0.00
Account Totals as of 01/18/2019					961.41	91.48	131.26	1,184.15

Per Diem

2018-1	0.0640
2017-1	0.0552
2016-1	0.0732
Total	0.1924

Exempt Codes: 01 - Homestead Exempt

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Pittsfield
9:01 AM

**RE Account 1283 Detail
as of 01/18/2019**

01/18/2019
Page 1

Name: MAYNARD,LINDA K
Location: 456 CANAAN ROAD
Acreage: 2.3 Map/Lot: 018-064
Book Page: B3648P41

Land: 22,600
Building: 93,100
Exempt 0

Total: 115,700

1283

2018-1 Period Due:
1) 2,478.69

Ref1: B3648P041
Mailing 91 W ECHO LAKE ROAD
Address: W CHARLESTON VT 05872-9536

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2018-1	R				2,429.70	48.99	0.00	2,478.69
2017-1	L	*			2,394.99	208.98	91.02	2,694.99
2016-1	L	*			2,337.14	369.79	132.78	2,839.71
2015-1	L	*			0.00	0.00	0.00	0.00
2014-1	L	*			0.00	0.00	0.00	0.00
2013-1	L	*			0.00	0.00	0.00	0.00
2012-1	L	*			0.00	0.00	0.00	0.00
2011-1	L	*			0.00	0.00	0.00	0.00
2010-1	L	*			0.00	0.00	0.00	0.00
2009-1	L	*			0.00	0.00	0.00	0.00
2008-1	R				0.00	0.00	0.00	0.00
2007-1	R				0.00	0.00	0.00	0.00
2006-1	R				0.00	0.00	0.00	0.00
2005-1	R				0.00	0.00	0.00	0.00
2004-1	L	*			0.00	0.00	0.00	0.00
2003-1	R				0.00	0.00	0.00	0.00
2002-1	R				0.00	0.00	0.00	0.00
2001-1	R				0.00	0.00	0.00	0.00
2000-1	L	*			0.00	0.00	0.00	0.00
1999-1	L	*			0.00	0.00	0.00	0.00
1998-1	R				0.00	0.00	0.00	0.00
Account Totals as of 01/18/2019					7,161.83	627.76	223.80	8,013.39

Per Diem	
2018-1	0.5325
2017-1	0.4593
2016-1	0.4482
Total	1.4401

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Pittsfield
9:04 AM

**RE Account 489 Detail
as of 01/18/2019**

01/18/2019
Page 1

Name: PARSONS,TERESA A

Land: 20,000
Building: 0
Exempt: 0

Total: 20,000

Location: 1044 MAIN ST

Acreage: 4.8 Map/Lot: 004-046

Book Page: B2244P97, B2329P148, B2949P296, B3314P318

2018-1 Period Due:

1) 428.47

Ref1: B2244P097 B2329P148

Mailing 500 W ETNA ROAD

Address: ETNA ME 04434-3422

489

Year Date	Reference	P C	Principal	Interest	Costs	Total
2018-1 R			420.00	8.47	0.00	428.47
2017-1 L *			414.00	36.12	64.34	514.46
2016-1 L *			404.00	64.00	86.72	554.72
2015-1 R			0.00	0.00	0.00	0.00
2014-1 L *			0.00	0.00	0.00	0.00
2013-1 L *			0.00	0.00	0.00	0.00
2012-1 L *			0.00	0.00	0.00	0.00
2011-1 L *			0.00	0.00	0.00	0.00
2010-1 L *			0.00	0.00	0.00	0.00
2009-1 L *			0.00	0.00	0.00	0.00
2008-1 R			0.00	0.00	0.00	0.00
2007-1 R			0.00	0.00	0.00	0.00
2006-1 R			0.00	0.00	0.00	0.00
2005-1 L *			0.00	0.00	0.00	0.00
2004-1 L *			0.00	0.00	0.00	0.00
2003-1 R			0.00	0.00	0.00	0.00
2002-1 L *			0.00	0.00	0.00	0.00
2001-1 L *			0.00	0.00	0.00	0.00
2000-1 L *			0.00	0.00	0.00	0.00
1999-1 R			0.00	0.00	0.00	0.00
1998-1 L *			0.00	0.00	0.00	0.00
Account Totals as of 01/18/2019			1,238.00	108.59	151.06	1,497.65

Per Diem

2018-1	0.0921
2017-1	0.0794
2016-1	0.0775
Total	0.2489

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Property Data		Assessment Record		
Year	Land	Buildings	Exempt	Total
2005	9,400	41,500	12,012	38,888
2006	13,300	41,400	9,438	45,262
2007	13,300	41,400	8,294	46,406
2008	13,300	41,400	8,294	46,406
2009	20,000	61,600	10,000	71,600
2010	20,000	61,600	10,000	71,600
2011	20,000	61,400	10,000	71,400
2012	20,000	0	0	20,000
2013	20,000	0	0	20,000
2014	20,000	0	0	20,000
2015	20,000	0	0	20,000
2016	20,000	0	0	20,000
2017	20,000	0	0	20,000
2018	20,000	0	0	20,000

Property Data		Assessment Record		
Year	Land	Buildings	Exempt	Total
2005	9,400	41,500	12,012	38,888
2006	13,300	41,400	9,438	45,262
2007	13,300	41,400	8,294	46,406
2008	13,300	41,400	8,294	46,406
2009	20,000	61,600	10,000	71,600
2010	20,000	61,600	10,000	71,600
2011	20,000	61,400	10,000	71,400
2012	20,000	0	0	20,000
2013	20,000	0	0	20,000
2014	20,000	0	0	20,000
2015	20,000	0	0	20,000
2016	20,000	0	0	20,000
2017	20,000	0	0	20,000
2018	20,000	0	0	20,000

Front Foot		Effective		Influence		Influence Codes	
Type	Frontage	Depth	Factor	Code			
11.Regular Lot				%			1.Unimproved
12.Delta Triangle				%			2.Excess Frtg
13.Nabla Triangle				%			3.Topography
14.Rear Land				%			4.Size/Shape
15.Miscellaneous				%			5.Access
				%			6.Restriction
				%			7.Open Space
				%			8.View/Environ
				%			9.Fract. Share
				%			30.Rear Land 3
				%			31.Tillable
				%			32.Pasture
				%			33.Orchard
				%			34.Softwood F&O
				%			35.Mixed Wood F&O
				%			36.Hardwood F&O
				%			37.Softwood TG
				%			38.Mixed Wood TG
				%			39.Hardwood TG
				%			40.Wasteland
				%			41.Open Space
				%			42.Mobile Home SI
				%			43.Condo Site
				%			44.Lot Improvement
				%			45.Subdivision LD
				%			46.Golf Course

Square Foot		Acres/Sites	
Fract. Acre	Acres	Sites	Acres
21.Homesite (Fract)	2.00	100	0
22.Baselit (Fract)	2.00	50	0
23.Misc (Fract)	2.80	100	0
24.Homesite			
25.Baselit			
26.Frontage 1			
27.Frontage 2			
28.Rear Land 1			
29.Rear Land 2			

Sale Data		Date	
Sale Type	Price	Date	Insp.
1.Paved	54,000		
2.Semi Imp			
3.Gravel			
TG PLAN YR	0		
TIF District #	0		
Sale Date	9/01/1996		
Price	54,000		
Sale Type	2 Land & Buildings		
1.Land	7.CJ/L&B		
2.L & B	8.Condo		
3.Building	9.		
Financing	4 Seller Financed		
1.Convent	7.		
2.FIN/VA	8.		
3.Assumed	9.Unknown		
Validity	1 Arms Length Sale		
1.Valid	4 Split		
2.Related	7.Renovate		
3.Distress	8.Other		
Verified	9.		
1.Buyer	5 Public Record		
2.Seller	4.Agent		
3.Lender	5.Pub Rec		
	6.MLS		
	7.Family		
	8.Other		
	9.		

Notes:
5/20/10 received the 30 lien notice back with yellow lable stating mail to 500 W Etna Rd, Etna 04434

MAP 4 LOT 46 ACCOUNT NO. 489

5/15/97 - ADJ GR
 100% Comp.

24 576
 14 27
 378
 24 24
 1 DBK 189

100%
 110

100
 90%
 9X
 100%
 9
 5

LAYOUT
 1. Typical 2. Inadeq.

ATTTIC
 1. 1/4 Fin. 4. Full Fin.
 2. 1/2 Fin. 5. F/Salts
 3. 3/4 Fin. 9. None

INSULATION
 1. Full 4. Minimal
 2. Heavy 9. None
 3. Capped

UNFINISHED %
 GRADE & FACTOR
 1. E 4. B
 2. D 5. A
 3. C 6. AA

SQ. FOOTAGE
 576

CONDITION
 1. Poor 5. Avg +
 2. Fair 6. Good
 3. Avg - 7. V Good
 4. Avg. 8. Exc.

PHYS. % GOOD
 100%

FUNCT. % GOOD
 90%

FUNCT. CODE
 1. Incomp. 3.
 2. Overbuilt 9. None

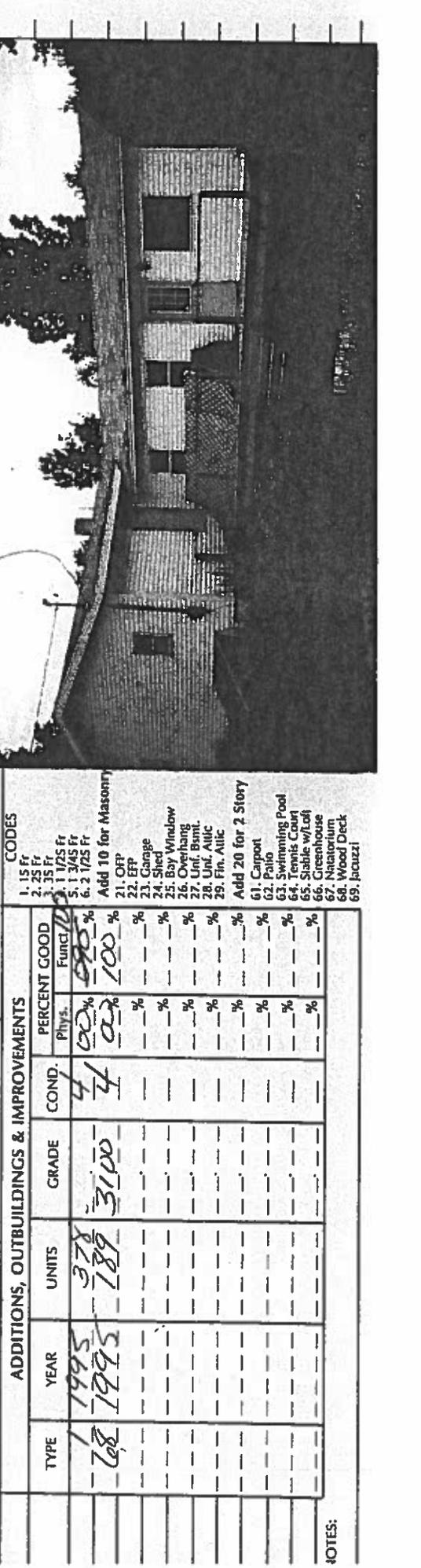
ECON. % GOOD
 100%

ECON. CODE
 1. Location 3. Services
 2. Encroach 9. None

ENTRANCE CODE
 1. Inspect. 4. Vacant
 2. Reused 5. Estim.
 3. Info Only

INFO. CODE
 1. Owner 4. Agent
 2. Relaine 5. Estimate
 3. Tenant 6. Other

DATE INSP. - 6/27/96



ADDITIONS, OUTBUILDINGS & IMPROVEMENTS

TYPE	YEAR	UNITS	GRADE	COND.	PERCENT GOOD	
					Phys.	Funct.
1	1995	378	3100	4	100%	100%
2	1995	189	3100	4	100%	100%
3						

CODES
 1. 15 Fr
 2. 25 Fr
 3. 35 Fr
 4. 1 1/2S Fr
 5. 1 3/4S Fr
 6. 2 1/2S Fr
 Add 10 for Masonry
 21. Off
 22. Eff
 23. Garage
 24. Shed
 25. Bay Window
 26. Overhang
 27. Unf. Batt.
 28. Unf. Allie
 29. Fin. Allie
 Add 20 for 2 Story
 61. Carport
 62. Patio
 63. Swimming Pool
 64. Tennis Court
 65. Stable w/Loft
 66. Greenhouse
 67. Natatorium
 68. Wood Deck
 69. Jacuzzi

NOTES:

RE Account 2605 Detail
as of 01/18/2019

Name: SINCLAIR,BRIAN

Location: 422 HUNNEWELL AVE
Acreage: 38 Map/Lot: 012-066
Book Page: B3447P50

2018-1 Period Due:
1) 1,750.30

Land: 39,900
Building: 41,800
Exempt: 0

Total: 81,700

2605

Ref1: B3447P109
Mailing: 422 HUNNEWELL AVE
Address: PITTSFIELD ME 04967

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2018-1	R				1,715.70	34.60	0.00	1,750.30
2017-1	L	*			1,724.31	150.47	71.01	1,945.79
2016-1	L	*			1,436.75	108.01	43.02	1,587.78
2015-1	R				0.00	0.00	0.00	0.00
2014-1	R				0.00	0.00	0.00	0.00
2013-1	R				0.00	0.00	0.00	0.00
2012-1	R				0.00	0.00	0.00	0.00
2011-1	R				0.00	0.00	0.00	0.00
2010-1	R				0.00	0.00	0.00	0.00
2009-1	R				0.00	0.00	0.00	0.00
2008-1	R				0.00	0.00	0.00	0.00
2007-1	R				0.00	0.00	0.00	0.00
2006-1	R				0.00	0.00	0.00	0.00
2005-1	R				0.00	0.00	0.00	0.00
2004-1	R				0.00	0.00	0.00	0.00
2003-1	R				0.00	0.00	0.00	0.00
2002-1	R				0.00	0.00	0.00	0.00
2001-1	R				0.00	0.00	0.00	0.00
2000-1	R				0.00	0.00	0.00	0.00
Account Totals as of 01/18/2019					4,876.76	293.08	114.03	5,283.87

Per Diem

2018-1	0.3760
2017-1	0.3307
2016-1	0.2755
Total	0.9823

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Property Data		Assessment Record			
Year	Land	Buildings	Exempt	Total	
2005	26,600	42,900	16,632	52,868	
2006	26,600	40,500	13,068	54,032	
2007	26,600	40,500	12,122	54,978	
2008	26,600	39,300	12,122	53,778	
2009	39,900	55,500	16,000	79,400	
2010	39,900	55,500	16,000	79,400	
2011	39,900	53,900	16,000	77,800	
2012	39,900	52,100	16,000	76,000	
2013	39,900	50,400	0	90,300	
2014	39,900	48,600	0	88,500	
2015	39,900	46,700	0	86,600	
2016	39,900	45,100	0	85,000	
2017	39,900	43,400	0	83,300	
2018	39,900	41,800	0	81,700	

Front Foot	Effective	Influence	Influence Codes
Type	Frontage	Depth	Factor
11.Regular Lot			%
12.Delta Triangle			%
13.Habla Triangle			%
14.Rear Land			%
15.Miscellaneous			%
Square Foot	Square Feet		
16.Regular Lot			%
17.Secondary Lot			%
18.Hydro Facility			%
19.Improvements			%
20.Miscellaneous			%
Fract. Acre	Acreage/Sites		
21.Homesite (Fract)	2.00	100	%
22.Basemat (Fract)	2.00	100	%
23.Misc (Fract)	2.00	100	%
24.Homesite	34.00	100	%
25.Basemat			%
26.Frontage 1			%
27.Frontage 2			%
28.Rear Land 1			%
29.Rear Land 2			%
Total Acreage		38.00	

Property Data		Sale Data	
Neighborhood	1 Rural 1	1.Paved	7.
Tree Growth Year	0	2.Semi Imp	8.
X Coordinate	2	3.Gravel	9.None
Y Coordinate	0	TG PLAN YR	0
Zone/Land Use	24 Rural	TR District #	0
Secondary Zone		Sale Date	
Topography	2 Rolling	Price	
1.Level	4.Below St	Sale Type	7.C/I Lab
2.Rolling	5.Low	1.Land	8.Condo
3.Above St	6.Swampy	2.L & B	9.
Utilities	4 Drilled Well	3.Building	
	6 Septic System	Financing	
1.Public	4.Dr Well	1.Convent	7.
2.Water	5.Dug Well	2.FRM/WA	8.
3.Sewer	6.Septic	3.Assumed	9.Unknown
Street	1 Paved	Validity	
		1.Valid	7.Renovate
		2.Related	8.Other
		3.Distress	9.
		Verified	
		1.Buyer	7.Family
		2.Seller	8.Other
		3.Lender	9.

Inspection Witnessed By: _____ Date _____

X No./Date Description Date Insp.

Notes:



**RE Account 2606 Detail
as of 01/18/2019**

Name: SINCLAIR, BRIAN A
Location: 422 HUNNEWELL AVE
Acreage: 0 Map/Lot: 012-066-ON
Book Page:

Land: 0
Building: 13,900
Exempt: 0

Total: 13,900

2606

2018-1 Period Due:
1) 297.79

Ref1: 34X34 BUILDING ON
Mailing 422 HUNNEWELL AVE
Address: PITTSFIELD ME 04967

Year	Date	Reference	P	C	Principal	Interest	Costs	Total
2018-1	R				291.90	5.89	0.00	297.79
2017-1	L	*			287.73	25.11	64.34	377.18
2016-1	L	*			187.26	14.07	36.35	237.68
2015-1	R				0.00	0.00	0.00	0.00
2014-1	R				0.00	0.00	0.00	0.00
2013-1	R				0.00	0.00	0.00	0.00
2012-1	R				0.00	0.00	0.00	0.00
2011-1	R				0.00	0.00	0.00	0.00
2010-1	R				0.00	0.00	0.00	0.00
2009-1	R				0.00	0.00	0.00	0.00
2008-1	R				0.00	0.00	0.00	0.00
2007-1	R				0.00	0.00	0.00	0.00
2006-1	R				0.00	0.00	0.00	0.00
2005-1	R				0.00	0.00	0.00	0.00
2004-1	R				0.00	0.00	0.00	0.00
2003-1	R				0.00	0.00	0.00	0.00
2002-1	R				0.00	0.00	0.00	0.00
2001-1	R				0.00	0.00	0.00	0.00
2000-1	R				0.00	0.00	0.00	0.00
1999-1	R				0.00	0.00	0.00	0.00
Account Totals as of 01/18/2019					766.89	45.07	100.69	912.65

Per Diem

2018-1	0.0640
2017-1	0.0552
2016-1	0.0359
Total	0.1551

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

SINCLAIR, BRIAN A
 422 HUNNEWELL AVE
 PITTSFIELD ME 04967

Property Data		Assessment Record		
Year	Land	Buildings	Exempt	Total
2005	0	9,900	0	9,900
2006	0	9,800	0	9,800
2007	0	9,800	0	9,800
2008	0	9,700	0	9,700
2009	0	14,400	0	14,400
2010	0	14,400	0	14,400
2011	0	14,400	0	14,400
2012	0	14,200	0	14,200
2013	0	14,200	0	14,200
2014	0	14,000	0	14,000
2015	0	13,900	0	13,900
2016	0	13,900	0	13,900
2017	0	13,900	0	13,900
2018	0	13,900	0	13,900

Front Foot		Effective		Influence		Influence Codes	
Type	Frontage	Depth	Factor	Code	Factor	Code	Code
11. Regular Lot				%			1. Unimproved
12. Delta Triangle				%			2. Excess Frtg
13. Nabbia Triangle				%			3. Topography
14. Rear Land				%			4. Size/Shape
15. Miscellaneous				%			5. Access
				%			6. Restriction
				%			7. Open Space
				%			8. View/Environ
				%			9. Fract Share
				%			30. Rear Land 3
				%			31. Tillable
				%			32. Pasture
				%			33. Orchard
				%			34. Softwood F&O
				%			35. Mixed Wood F&O
				%			36. Hardwood F&O
				%			37. Softwood TG
				%			38. Mixed Wood TG
				%			39. Hardwood TG
				%			40. Wetland
				%			41. Open Space
				%			42. Mobile Home SI
				%			43. Condo Site
				%			44. Lot Improvement
				%			45. Subdivision LO
				%			46. Golf Course

Square Foot		Acres/Sites	
Fract. Area	Acres	Sites	Acres
21. Homesite (Frac)			
22. Basetot (Frac)			
23. Misc (Frac) Acres			
24. Homesite			
25. Basetot			
26. Frontage 1			
27. Frontage 2			
28. Rear Land 1			
29. Rear Land 2			
Total Acres		0.00	

Sale Data	
TG PLAN YR	TIF District #
0	0

Sale Data	
Sale Date	Price

Inspection Witnessed By: _____ Date _____

X No./Date Description Date Insp.

Notes:

422 HUNNEWELL AVE

MAP-12 LOT 66 ON ACCOUNT NO. 266 ADDRESS

CARD NO. OF

012
066
DN
02606
003
2606

PROPERTY DAT.
NEIGHBORHOOD CODE
STREET CODE
X-COORDINATE
-COORDINATE
AND USE

1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016

EXEMPT
TOTAL
8,900
8,900
8,800
10,100
10,000
10,000
9,900
9,900
9,800
9,700
14,500
14,100
14,400
14,200
14,200
14,000
13,900
13,900

SINCLAIR, BRIAN A
422 HUNNEWELL AVE
PITTSFIELD ME 04967

1. Residential
21. Commercial
1. Industrial
1. Rural
4B. Shoreland
49. Resource Protection

24

20

20

20

20

20

20

20

SECONDARY ZONE
TOPOGRAPHY
1. Level
2. Rolling
3. Above St.
4. Below St.
5. Low
6. Swampy
7. Sleep
8.

UTILITIES
1. All Public
2. Public Water
3. Public Sewer
4. Drilled Well
5. Dug Well
6. Septic
7. Cess Pool
9. No Utilities

STREET
1. Paved
2. Semi-Improved
3. Gravel
4. Proposed
9. No Street

SALE DATA
DATE(MMY)
PRICE

SALE TYPE
1. Land
2. Land & Bldg.
3. Building Only
4. Mobile Home
5. Other

FINANCING
1. Conv.
2. FHA/VA
3. Assumed
4. Seller
5. Private
6. Cash
7. F/M/A
9. Unknown

VERIFIED
1. Buyer
2. Seller
3. Lender
4. Agent
5. Record
6. MLS
7. Family
8. Other
9. Confid.

VALIDITY
1. Valid
2. Related
3. Distress
4. Split
5. Partial
6. Exempt
7. Changed
8. Other

FRONT FOOT	TYPE	EFFECTIVE	INFLUENCE	INFLUENCE	INFLUENCE
11. Regular Lot		Frontage	Depth	Factor	Code
12. Delta Triangle				%	1=Vacancy
13. Nablo Triangle				%	2=Excess Frontage
14. Rear Land				%	3=Topography
15.				%	4=Size/Shape
				%	5=Access
				%	6=Restrictions
				%	7=Corner
				%	8=Environment
				%	9=Fractional Share
SQUARE FOOT		SQUARE FEET			
16. Regular Lot				%	
17. Secondary				%	
18. Excess Land				%	
19. Condo.				%	
20.				%	
FRACT. ACRE		ACREAGE/SITES			
21. Homesite				%	
22. Baselit				%	
23.				%	
ACRES				%	
24. Homesite				%	
25. Baselit				%	
26. Secondary				%	
27. Frontage				%	
28. Undeveloped				%	
29. Undeveloped				%	
30. Rear				%	
31. Tillable				%	
32. Tillable				%	
33. Tillable				%	
Total					

ACCT: 2606-1 Map/Lot: 012-066-01

ACRES (cont.)	SITE
34.	42. Moho Site
35.	43. Condo Site
36. Pasture	44. Lot
37. Softwood	Improvements
38. Mixed Wood	
39. Hardwood	
40. Waste	
41. Gravel Pit	

Pittsfield
9:13 AM

RE Account 323 Detail
as of 01/18/2019

01/18/2019
Page 1

Name: DREAM BUILDERS, INC.
Location: 103 WAVERLY ST
Acreage: 0.2 Map/Lot: 033-041
Book Page: B3555P248, B5130P152

Wright

Land: 10,700
Building: 16,700
Exempt: 0

Total: 27,400

323

2018-1 Period Due:
1) 587.00

Ref1: B3555P248
Mailing 103 WAVERLY STREET
Address: PITTSFIELD ME 04967

Year	Date	Reference	P C	Principal	Interest	Costs	Total
2018-1	R			575.40	11.60	0.00	587.00
2017-1	L *			567.18	49.49	84.35	701.02
2016-1	L *			851.35	134.86	119.86	1,106.07
2015-1	R			0.00	0.00	0.00	0.00
2014-1	R			0.00	0.00	0.00	0.00
2013-1	R			0.00	0.00	0.00	0.00
2012-1	R			0.00	0.00	0.00	0.00
2011-1	R			0.00	0.00	0.00	0.00
2010-1	R			0.00	0.00	0.00	0.00
2009-1	R			0.00	0.00	0.00	0.00
2008-1	R			0.00	0.00	0.00	0.00
2007-1	R			0.00	0.00	0.00	0.00
2006-1	R			0.00	0.00	0.00	0.00
2005-1	R			0.00	0.00	0.00	0.00
2004-1	R			0.00	0.00	0.00	0.00
2003-1	R			0.00	0.00	0.00	0.00
2002-1	R			0.00	0.00	0.00	0.00
2001-1	R			0.00	0.00	0.00	0.00
2000-1	R			0.00	0.00	0.00	0.00
1999-1	R			0.00	0.00	0.00	0.00
1998-1	R			0.00	0.00	0.00	0.00
Account Totals as of 01/18/2019				1,993.93	195.95	204.21	2,394.09

Per Diem

2018-1	0.1261
2017-1	0.1088
2016-1	0.1633
Total	0.3982

Note: Payments will be reflected as positive values and charges to the account will be represented as negative values.

Property Data		Assessment Record		
Year	Land	Buildings	Exempt	Total
2005	7,200	20,900	0	28,100
2006	7,200	20,900	0	28,100
2007	7,200	20,900	0	28,100
2008	7,200	20,900	0	28,100
2009	10,700	31,500	0	42,200
2010	10,700	31,500	0	42,200
2011	10,700	31,500	0	42,200
2012	10,700	31,500	0	42,200
2013	10,700	31,500	0	42,200
2014	10,700	31,500	0	42,200
2015	10,700	31,500	0	42,200
2016	10,700	31,500	0	42,200
2017	10,700	16,700	0	27,400
2018	10,700	16,700	0	27,400

Land Data		Influence		Influence Codes	
Front Foot	Type	Effective	Factor	Code	
11.Regular Lot		Frontage	Depth	%	1.Unimproved
12.Delta Triangle				%	2.Excess Frtg
13.Nabla Triangle				%	3.Topography
14.Rear Land				%	4.Size/Shape
15.Miscellaneous				%	5.Access
				%	6.Restriction
				%	7.Open Space
				%	8.View/Environ
				%	9.Fract Share
				%	30.Rear Land 3
				%	31.Tillable
				%	32.Pasture
				%	33.Orchard
				%	34.Softwood F&O
				%	35.Mixed Wood F&O
				%	36.Hardwood F&O
				%	37.Softwood TG
				%	38.Mixed Wood TG
				%	39.Hardwood TG
				%	40.Wasteland
				%	41.Open Space
				%	42.Mobile Home SI
				%	43.Condo Site
				%	44.Lot Improvement
				%	45.Subdivision Lo
				%	46.Golf Course
Total Acreage		0.20			

Sale Data	
Sale Date	Price
5/15/2016	10,000

Public Record	
Validty	Public Record
1.Valid	4.Agent
2.Related	5.Pub Rec
3.Distress	6.MLS
	7.Family
	8.Other
	9.

Inspection Witnessed By:	
No./Date	Description
X	

Notes:	
No./Date	Description

Town Managers Report

Report by Maine Service Center

2020-2021 Biennial Budget Proposal Highlights

The Department of Health and Human Services

The Department of Health and Human Services touches all of our lives with the aim of making our state, families, and communities healthier. It shoulders the core responsibility of protecting Maine's most vulnerable and Governor Mills' budget ensures the Department delivers on its core mission while having the resources it needs to take steps to lower the cost of health care, to lower prescription drug prices, expand treatment for mental health and substance use disorders, and to strengthen public health preparedness.

When it comes to the health and welfare of Maine people. Governor Mills budget:

- ❑ Provides an appropriation of \$68,824,012 in FY 2020 and \$77,874,303 in FY 2021 from the general fund to the Medicaid account to support the expansion of MaineCare to more than 70,000 low-income adults. DHHS will closely monitor and report on how the expansion affects uncompensated care costs, health system revenue, and private insurance premiums and work with the Legislature to ensure funding is sustainable.
- ❑ Creates a Medicaid Reserve Account and allocates to it \$29,000,000 to be used if ever necessary to support the expansion of Medicaid.
- ❑ Continues Medicaid coverage for over 5,000 19 and 20-year olds.
- ❑ Restores eligibility in the Maine Low Cost Drugs for the Elderly and Disabled and Part B premium payment program for 1,800 Mainers up to 185 percent of the federal poverty limit. This eligibility had previously been reduced to 175 percent in 2013 to reduce costs – at the expense of access to needed care.
- ❑ Increases funding by \$5.5 million to combat the opioid crisis. Additionally, includes increases in the weekly reimbursement rate for methadone as a medication assisted treatment, ultimately helping to increase access to treatment for Mainers on their path to recovery.
- ❑ Repeals the two-year time limit under MaineCare on buprenorphine and naloxone as a treatment.

- ❑ Provides an additional \$10 million toward increased tobacco and nicotine prevention and cessation interventions, including health communications, to tackle high smoking and nicotine use rates in both adults and youth in Maine.
- ❑ Funds positions, including a public health nurse and chemists, to support efforts aimed at keeping Maine children safe from lead poisoning.
- ❑ Provides funding for the continuation of lead inspections.
- ❑ Establishes a position within the Commissioner's office to oversee DHHS-wide efforts to secure federal and private-sector grants to increase DHHS's ability to deliver on its mission of improving health, safety, wellbeing, and opportunity of Maine residents.

The Department of Education

After several years of staffing reductions and inconsistent leadership, the Department of Education is rebuilding and redefining their role as an organization that will inspire and support Maine's schools and communities in providing the very best education for our children and for our lifelong learners.

When it comes to education in Maine, Governor Mills' budget:

- ❑ Invests more than \$126 million in funding for K-12 education over the biennium (\$41 million in FY 2020 and \$85 million in FY 2021) and more than \$18.5 million in Child Development Services over the biennium.
- ❑ Increases funding for adult education programs by 5 percent each year; increases funding for the University of Maine System, the Maine Community College System, and Maine Maritime Academy by 3 percent each in each year of the biennium; and increases funding for the Maine State Grant Program by 6 percent.
- ❑ Funds initiatives focused on:
 - ❑ increasing access for all children to high quality Pre-K programs.
 - ❑ increasing the minimum teacher salary to \$40,000 per year and providing relevant and responsive professional development and training for educators and school leaders.

- ❑ improving consistency and connectedness for young children with disabilities by bringing Child Development Services (CDS) into the School Administrative Units.
- ❑ exploring innovative programs and services to foster healthy development of infants, toddlers, and preschool aged children and fighting childhood hunger in Maine.
- ❑ Funds additional staff in the areas of Communications and Certification, as these have a profound and direct impact on the operations and staffing of Maine's schools.

Department of Transportation

Unsafe roads pose a threat to Maine people, prevent our businesses from reaching markets both close to home and nationwide, and represent a hallmark of failure to address the most basic responsibility of state government.

To improve Maine's infrastructure, Governor Mills' budget:

- ❑ Funds MaineDOT at \$531.5 million, which represents about one-third of all funds expended by or through MaineDOT, with the other funding being principally derived from federal funds and bonding. The budget funds MaineDOT's core responsibility -- providing adequate, safe and reliable transportation-- which allows the people of Maine to get to work, go to school, and enjoy the beauty of Maine every day. Each year, combined funding allows MaineDOT to deliver:
 - ❑ 380 miles of paving of improved, higher-priority, heavily-used highways to allow safe travel and preserve our past investment.
 - ❑ 600 miles of a light paving treatment applied on a 7-year cycle to keep our unimproved state roads in passable condition.
 - ❑ About 67 bridge projects (out of over 2,700 statewide).
 - ❑ About 65 miles of highway rehabilitation and reconstruction to make poor roads better (out of 8,800 miles statewide).
 - ❑ About 65 highway safety and spot improvements – ranging from enhanced signage to an intersection rebuild – to address a more localized safety or capacity problems.
 - ❑ Over \$102 million in capital investment in multimodal projects including rail, seaport, transit and active transportation projects.

- ❑ Anticipates \$200 million in infrastructure bonding to repair Maine's roads and bridges
- ❑ Funds the purchase of approximately 55 trucks per year in accordance with the Department's responsible, long-term capital equipment plan
- ❑ Reclassifies over 400 engineering, project management and other skilled positions resulting in an average pay increase of about 11% to address workforce recruitment and retention challenges

Departments of Corrections and Public Safety

The Department of Public Safety and the Department of Corrections are charged with protecting the public safety of Maine people and reducing the likelihood that juvenile and adult offenders will reoffend.

When it comes to fulfilling these critical missions, Governor Mills budget:

- ❑ Funds 10 new state police troopers and five state police sergeants to reflect the results of a staffing capacity study, which demonstrates severe staffing shortages in specific areas of the state and a lack of ability to respond to growing patrol and specialized demands. These additions will also help meet the need for a 24-hour presence in certain areas and corridors of Maine, which are currently being met through overtime, call out off-shift, and mandatory work on days off. The positions include: 5 State Police Troopers and 3 State Police Sergeants in fiscal year 2019-20; and 5 State Police Troopers and 2 State Police Sergeants in fiscal year 2020-21
- ❑ Funds the establishment of a Washington County Pre-Release Center to target current Department prisoners from Washington County and support their reintegration back into the community, while also providing community restitution support to the local towns and non-profit agencies and work release clients for the employers in the area.
- ❑ Supports several other key initiatives currently underway which do not require funding including providing Medication-Assisted Treatment (MAT) in the adult prison system and restructuring the Department's approach to incarcerating female prisoners.

- ❑ Reorganizes and restructures the Computer Crimes Unit within the Department of Public Safety to meet digital technology support needs and funds seven additional positions as well as training and equipment for personnel assigned to or affiliated with the Unit. The positions include: three State Police Detectives to augment existing detectives deployed regionally to support serious criminal investigations; two Senior Laboratory Scientists to create and supervise an accredited digital laboratory to support criminal investigations through forensic examination of digital media; one Office Specialist position to provide administrative support for the Unit; and one Computer Forensic Analyst to augment existing analysts.

- ❑ Funds an expansion of community treatment and programming for clients on adult probation services, in order to intervene and respond to the needs of probationers in a more effective manner. Currently, more than 5,000 individuals are under probation's supervision, and the lack of Departmental resources for programming interventions has led to increases in returns to custody.

- ❑ Funds the testing of the presence of drugs in the blood of Maine drivers. Maine is the only state in the nation that tests blood for the presence of alcohol, but does not routinely test for the presence of drugs. The Bureau of Highway Safety, in conjunction with the Department of Health and Human Services, has developed a plan to enable blood to be tested for various drugs in the Department of Health and Human Services lab.

Department of Economic and Community Development

The Department of Economic and Community Development has more than two dozen experts who work to help communities and businesses prosper through a variety of programs providing everything from targeted tax relief to community block grants to tourism marketing.

To help the Department create new, more accessible resources for businesses and reduce red tape for innovators and entrepreneurs who power our economy, Governor Mills' budget:

- ❑ Provides \$300,000 towards the creation of an Economic Development Strategy for the State of Maine. This is a critical element to leverage partners and businesses in the marketplace, as well as have an effective tool to align and focus resources.

- ❑ Funds the creation of a virtual Small Business Center. The Center will help small businesses leverage existing resources and reduce redundancies.
- ❑ Provides \$250,000 toward a redesign of DECD's current website to create increased access for businesses and agencies of all sizes to promote the resources that are available to them.

Department of Defense, Veterans and Emergency Management

The Department of Defense, Veterans and Emergency Management helps administer and provide resources relating to Maine's military, veterans and civil emergency preparedness.

To support this important mission. Governor Mills' budget:

- ❑ Funds Maine Bureau of Veteran Services' efforts to continue to improve outreach services, prioritize veteran homelessness, and provide financial assistance to veterans.
- ❑ Funds Maine's share of disaster assistance for towns to pay the state share of costs of the 2017 wind storm and 2018 coastal flooding.
- ❑ Provides appropriate matching funds to allow proper maintenance and operation of the new Camp Chamberlain in Augusta and the Northern Maine Readiness Center in Presque Isle, when it opens next year.

Department of Inland Fisheries and Wildlife

The Department of Inland Fisheries and Wildlife preserves, protects, and enhances the inland fisheries and wildlife resources of the state including fish, non-game wildlife, and habitats, and works to restore endangered species like the bald eagle.

To ensure the Department has the resources it needs to protect Maine's wildlife population. Governor Mills' budget:

- ❑ Provides \$250,000 to support marketing of Maine as a destination for hunting, fishing, boating, snowmobiling, and ATVing.
- ❑ Provides \$80,000 to modernize the department's web-based programs.

- ❑ Provides \$150,000 to meet the statutory needs of the MDIFW Landowner Relations program, which is critical to maintaining public access to private land. Currently two Game Warden Specialists coordinate the program with all Maine landowners and the funding is essential to maintain the current level of service provided to the large and small landowners that comprise 94 percent of the land owned in Maine.
- ❑ Reclassifies the position of Game Warden Chaplain from part time to full time. The chaplain provides critical services to both victim's families and Maine Game Wardens including critical incident stress debriefing sessions for game wardens and first responders; as well as support to families at the scenes of fatal tragedies that include fatal boating, snowmobile, ATV, search and rescue operations and drowning recoveries.
- ❑ Reclassifies one field game warden position in southern Maine to a game warden investigator. Investigators focus on complex fish and wildlife investigations and take the lead on all fatal investigations where there is a felony level prosecution. The Maine Warden Service's southern region is responsible for handling the largest volume of calls for service, is rich in natural resources and has the most recreational boating activity in the entire state while serving the largest number of citizens in the state.
- ❑ Funds the largest and most comprehensive moose and deer research projects that have ever been conducted in northern New England or eastern Canada. The projects detail the survival and birth rates of moose and deer, as well as providing insight into movements of two of Maine's most visible and loved mammals.
- ❑ Funds the development and implantation of a comprehensive Chronic Wasting Disease (CWD) prevention and response plan. CWD is an always fatal neurological disease that affects white-tailed deer, moose and other cervids such as elk and caribou.
- ❑ Funds the Maine's Bird Atlas project which utilizes MDIFW staff and statewide network of volunteers to document the presence and distribution of every bird species that breeds in the state of Maine, including many that have not been detected here for decades.
- ❑ Supports Maine's Wildlife Action Plan, crafted by the department with over 100 conservation partners, a shared vision for our state that identifies voluntary and

non-regulatory measures to conserve wildlife species and habitats through public awareness, research, stewardship, and partnerships. The Plan provides species-specific and habitat-based voluntary actions to prevent further species declines and costly potential mandatory regulations.

TOWN COUNCIL MEETING OF 2/19/2019 :

 PUBLIC HEARINGS
 REPORTS
 OLD BUSINESS

 X NEW BUSINESS
 DISCUSSION ITEMS
 EXEC. SESSION

 ORDER 19-
 RESOLUTION 19-
 X ORDINANCE 19-2

 X PACKAGE
 ADDITION

TO BE TITLED: **ORDINANCE 19-2**: (To be set to Public Hearing 3/5/2019) The Town of Pittsfield hereby Ordains that Chapter 16 Shoreland Zoning Ordinance, Section 12-C Non-conforming Structures and 12-E Non-conforming Lots be rescinded and the new Section 12-C Non-conforming Structures and 12-E Non-conforming Lots be adopted.

DESCRIPTION: There is a footprint requirement that limits an expansion to 30%. The Planning Board has approved a revision in the Shoreland Zoning Ordinance to allow building a second story and that would not be counted as changing the footprint for the limitation purposes. In the previous version, it listed volume or floor space, whichever was greater as the limiting factor. They have changed this to allow people to increase the value of their home by building upwards. The original intent of this ordinance was to limit runoff during rainstorms. This change should have no effect on such runoff.

SUBMITTED BY: Steve Seekins
DATE: 2/11/2019
AGENDA-

CHAPTER 16 SHORELAND ZONING ORDINANCE

DRAFT/Proposed 4-4-18

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Shoreland Zoning Ordinance for the Municipality of Pittsfield

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 commercial fishing and maritime industries; to protect freshwater and coastal 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 and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.
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.).
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,
 - upland edge of a coastal wetland, including all areas affected by tidal action, or
 - upland edge of a freshwater wetland,and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.
4. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on _____, 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 for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be 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 this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.
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.
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.
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, except The Town of Pittsfield Pittsfield Chapter 13 Zoning Ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. 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.

9. **Districts and Zoning Map**

A. **Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection
- (2) Limited Residential
- (3) Limited Commercial
- (4) General Development
- (5) Stream Protection

B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. **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 Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland 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.

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

12. **Non-conformance**

A. **Purpose.** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments

thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

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

C. Non-conforming Structures

(1) Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same Planning Board, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

(b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).

(i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

(c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

- (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.**
- (ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.**
- (iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.**
- (d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the Planning Board.**
- (2) Foundations. 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 Section 12(C)(3) Relocation, below.**
- (3) Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board 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 accordance with Section 15(S). 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.

- (4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint 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)(3) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value,

or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

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

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

D. Non-conforming Uses

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

E. Non-conforming Lots

- (1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the *State Minimum Lot Size Law* (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

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

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

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

13. Establishment of Districts

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

- (1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100-year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- (2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

- (3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficial connected to a water body during the period of normal high water.
 - (4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
- 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 Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, the General Development Districts, or the Commercial Fisheries/Maritime Activities District.
- C. Limited Commercial District.** The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.
- D. General Development.** The General Development I District includes the following types of existing, intensively developed areas:
- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabricating or other industrial activities;
 - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
 - (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.
- E. 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 or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. Also, Johnson Brook from the 300-foot contour as depicted on the USGS map to the Burnham town line.

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 Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection GD General Development

LR - Limited Residential

LC - Limited Commercial SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

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

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

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

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

- ⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- ⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
- ⁶See further restrictions in Section 15(L)(2).
- ⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
- ⁸Except as provided in Section 15(H)(4).
- ⁹Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
- ¹⁰Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
- ¹¹Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- ¹²Permit not required but must file a written "notice of intent to construct" with *CEO*.
- ¹³Option 3 towns only.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland".

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

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

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

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit	43,560	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
 (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.		

NOTE: In a district equivalent to a General Development District that is served by municipal water and sewer systems, capable of supply service, the Planning Board may approve greater residential or use densities than set forth in section 15 (1) (a) (b) (c) above provided the development is contained in the foot print of the existing structures only.

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. 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) 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, Limited Commercial, 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 previous developed, except in The General Development District adjacent to rivers that do not flow to ponds, where lot coverage shall not exceed seventy (70) percent.
- (5) 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;
 - (b) 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;
 - (c) 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, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(O)(2)(a), may traverse the buffer;
- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in

width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

D. 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 classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

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

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) 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.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (7) 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.

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

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

G. 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, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

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

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

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

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

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
 - (a) To provide access to structures or facilities within the zone; or
 - (b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(T).

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

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

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.
- I. Signs.** The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial 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. In the Limited Commercial District, however, such signs shall not exceed sixteen

(16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

- (2) Name signs are 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.

J. 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.

K. 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.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services

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

M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures 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 Section 15 (M)(4) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or
 - (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.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within

seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, 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 that has been filed with the planning board.

N. Timber Harvesting

- (1) In a Resource Protection District abutting a 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:
 - (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) 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;
 - (4) 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
 - (5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - (b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
- (2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:

- (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to 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 or a river flowing to at 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, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- (b) Timber harvesting operations exceeding the 40% limitation in Section 15(N)(1)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
- (c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- (d) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
- (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- (f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- (g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that

an unscarified strip of vegetation of at least 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, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

0. 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 hazard trees as described in section Q..

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 P(1), above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

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

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

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) 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, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.
 - (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2).
- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or Commercial Fisheries/Maritime Activities Districts.

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

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
 - (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

- (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
 - (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
- (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
- (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. Erosion and Sedimentation Control

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

- U. Soils.** All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe

erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

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

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 30-A M.R.S.A. section 2691.
- (3) **Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

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

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

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

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

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

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

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;

- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) 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 statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

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

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

- (4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

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

H. Appeals

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

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

(b) **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

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

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

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

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals, or the codes enforcement officer if authorized in accordance with 30-A MRSA §4353-A, may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.)

(e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

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

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

proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance 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 sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - (ii) The person filing the appeal shall have the burden of proof.
 - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the

Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

I. Enforcement

(1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

- (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- (b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

(3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

- (4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

17. Definitions

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "may" shall be permissive; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Definitions apply to all Land Use Ordinances unless otherwise specified.

Abutting Property: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Accessory Building: A detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land, and which is located on the same lot as that of the principal building or use.

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.

Addition: Any proposed change which increases the size of a building.

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

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the U.S. Department of Housing and Urban Development for housing affordability.

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

Agriculture - the production, keeping or maintenance for sale or lease of plants 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 green-house products. Agriculture does not include forest management and timber harvesting activities.

Alteration: A change, addition, or modification, requiring construction, including any change in the location of structural members of buildings such as bearing walls, columns, beams, or girders which would alter or affect any exterior architectural features.

Antenna: A system of electrical conductors that emit or receive radio waves, including microwave dishes.

Applicant: The person applying for subdivision approval under these regulations.

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

Area of Special Flood Hazard: 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 Article 1 of the Flood Plain Management Ordinance.

Arterial: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side streets or which is functionally classified by the Maine Department of Transportation as an arterial.

Attic: The unfinished portion or portions of a building which are located immediately below and wholly or partly within the roof framing.

Automobile Graveyard: A yard, field, or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked automobiles.

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: A lot that has no frontage on a road, street or private way. Backlots shall not be permitted in the Town of Pittsfield.

Banner: Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

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

Billboard: A structure, either free standing or attached to a building, the surface of which is available for hire for advertising purposes.

Boarding house: A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation.

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.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any permanent structure, having one or more floors and a roof, which is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

Building Height: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and the ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

Building Width: The minimum horizontal dimension of the principal part of the building. The width shall not include outside porches not used as normal living space.

Business and Professional Offices: Offices for the conduct of business which involve no sales of products available on the premises, except those pertaining to the profession, or storage of materials or equipment which are used off the premises. The following uses are not considered business and professional offices:

- 1) Distribution facilities
- 2) Sales offices involving on-premises display and sales of materials
- 3) Offices of building contractors involving the storage of materials or equipment

Bureau of Forestry – State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

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

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

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

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.

Change from One Category of Nonresident Use to Another Category of Nonresidential Use: A change in the type of occupancy of a nonresidential building or structure, or a portion thereof, such that the basic type of use is changed, such as from retail to office or storage to a restaurant, but not including a change in the occupants.

Charitable/Benevolent Association: A non-profit organization that is not organized or operated for the purpose of carrying on a trade or business. No part of its net earnings may benefit any member of the association. The purpose shall be to provide religious, social, physical, recreational and/or benevolent benefits to its members/associates.

Code Enforcement Officer: A person appointed by the municipal officers to perform the inspection,

licensing, and enforcement duties required by a particular statute or ordinance.

³**Commercial use** - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. The term "commercial use" shall not include medical marijuana dispensaries or methadone clinics, which uses shall not be allowed in any shoreland zoning district.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Corner Lot: A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. Such corner lots shall be deemed to have two front yard setbacks.

Coverage: That percentage of the plot or lot area covered by the building area.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

Curb Cut: The opening along the curb line or street right-of-way line at which point vehicles may enter or leave the street.

Day Care Center: A home or other facility used generally to provide day care services or baby-sitting services for thirteen (13) or more children. This use shall be a principal use and shall require a conditional use approval and site plan approval by the Planning Board.

Day Care Home: A single family home used generally to provide day care services or baby-sitting services for six (6) or fewer children. This shall be considered a home occupation.

Day Care Home, Class A: A home used generally to provide day care services or baby-sitting services for more than six (6) but twelve (12) or fewer children. This use shall be an accessory to the residential use but shall require a conditional use approval from the Planning Board.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Density: The number of dwelling units per acre of land.

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

Development: Means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities or alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

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

Direct Watershed of a Great Pond: That portion of the watershed that drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Drive-through Service: A retail or service activity in which the customer does not leave his/her motor vehicle to complete the transaction, and which complies with the following requirements:

- 1) A separate, defined stacking lane is provided which will accommodate a minimum of five vehicles.
- 2) The transaction occurs at a defined service window or terminal.
- 3) The service window or terminal is located a minimum of sixty (60) feet, with the maximum to be established at Site Plan Review, from the point of egress onto the nearest

- street right-of-way.
- 4) The architectural design of the service window or terminal shall be compatible with the principal use.

Dwelling: A building designed or used as the living quarters for one or more families. The term shall not be deemed to include a hotel, motel, rooming house, mobile home, or trailer, but shall include a modular housing unit consisting of two or more units of which neither unit is a complete dwelling unit and which is constructed in accordance with the BOCA Building Code.

Dwelling: Multi-Family: A single building designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each.

Dwelling: Single-Family: A detached residence for, or occupied by, (1) family only.

Dwelling: Two Family: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.(For shoreland zone, see Residential Dwelling Unit).

Elevated Building: A non-basement building

- a. built, in the case of a building in Zones AE or A, 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 AE or A, **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.

Elevation Certificate: An official form (FEMA Form 81-31, 03/97, as amended) 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.

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.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

Enlargement or Expansion of a Structure: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or the latest NFPA 101 Life Safety Code.

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

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

Expansion of use - the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

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.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

Enlargement or Expansion of a Structure: An increase of the building footprint and/or increase in the height of the structure beyond its present highest point. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or the latest NFPA 101 Life Safety Code.

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

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use, except in the

shoreland zone where a variance is required to exceed the expansion limitations.

Exterior Architectural Features: Elements of a building's outside appearance including but not limited to, architectural character, general composition and general appearance of exterior siding, exterior trim, change in size of door and window openings, roofs, porches, signs, fire escapes, and accessory buildings and solar facilities.

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

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

Fisheries, Significant Fisheries: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

Flag: Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flood or Flooding:

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: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map: The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Pittsfield, Maine.

Flood Insurance Rate Map (FIRM): 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 Management: 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: 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.

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

Floodproofing: 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 - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Floor Area Ratio: A measure of the intensity of the use of a piece of property determined by dividing the sum of the gross floor area of all floors of all principal buildings or structures by the total area of the parcel.

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios 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.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

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

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.

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

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

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

Functionally Dependent Use: 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, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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

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

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

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a

portion of the tree falls. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to one eighth of an acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

Historic or Archaeological Resources: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan.

Historic Structure: 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.

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

Hotel/Motel: A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel/motel may provide kitchens or kitchenettes in guestrooms and will not, as a result, be considered a dwelling unit under this Ordinance,

as long as the hotel/motel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel/motel for no more than 186 days in any 365-day period.

Household Pets: Those animals normally considered as household companions, and not including horses, cows, sheep, goats, mink, swine, chickens, turkeys or any animals raised for sale or for the sale of their products.

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

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

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

Junk Yard: A lot or part thereof, exposed to the elements, which is used for the sale or for the storage for sale of second-hand products or materials, for the storage of any three or more automobiles or trucks which cannot pass the state inspection test in their existing condition.

Kennel: An establishment in which more than four (4) dogs or four (4) cats more than one year old are housed, bred, boarded, trained or sold.

Landscaped Buffer Strip: A landscaped area adjacent to and parallel with the front property line of a lot or parcel. The border strip may be crossed by drives, access roads or pedestrian ways but otherwise shall be maintained in a landscaped state. The border strip shall not be used for parking, the storage of materials, equipment or wastes or the display of any equipment, materials or products.

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

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, 1991 edition, published by the National Academy of Sciences, Transportation Research Board as amended from time to time. 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.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

Lot: A parcel of land in single 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 area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots. Also a parcel of land in single 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 Lines: The lines bounding a lot. Wherever a lot abuts a street, the sideline of the street on the side abutting the lot shall constitute the lot line.

Lowest Floor: 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 Article VI of this ordinance.

Manufactured Home: 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: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. For the purposes of this Ordinance the term includes:

Mobile Homes

1. Units constructed after June 15, 1976 and commonly called "newer mobile homes" which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet in size(not including any tongue) and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained in the unit.

Modular Homes

2. Units commonly called “modular homes” which the manufacturer certifies are constructed in compliance with Title 10, Ordinance 957, and rules adopted under that Ordinance, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities including plumbing, heating, air conditioning or electrical systems contained in the unit.

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 marine equipment, bait and tackle shops and marine 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.

³Medical marijuana dispensary: A “registered dispensary” as that term is defined by 22 M.R.S.A. Section 2422(6), as may be amended from time to time, including any location at which marijuana is cultivated by a registered dispensary pursuant to 22 M.R.S.A. Section 2428, as may be amended.

³Methadone Clinic: A clinic or similar facility that provides for the operation of substance abuse treatment programs to provide treatment for persons with heroin or other opiate addictions where the treatment provided includes administration or prescription of methadone or other opioid replacements (e.g., methadone, methadone hydrochloride or LAAM (levo-alpha-acetyl-methadol) for either detoxification or maintenance purposes, which treatment programs are typically licensed by the State of Maine Department of Health and Human Services Division of Licensing and Regulatory Services under 14-118 Code of Maine Regulations (Chapter 5), as may be amended from time to time.

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

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

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

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 Article VI.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.

Mobile Home Park: A contiguous parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes. Individual home sites may be rented or leased.

day or seasonally, but which does not include such structures temporarily located on any particular private property for such purposes for less than one-half hour. It shall not include such uses as construction offices during the duration of a building project or sales as part of an approved farmers market, fair or similar event.

Mobile Vending Unit: A vehicle, trailer, van, pushcart or portable structure which is temporarily located on private property for the purpose of operating a retail business or service business and removed from the site every **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 Article VI.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.

Multifamily Development: A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Municipal Engineer: Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Municipality: The Town of Pittsfield.

National Geodetic Vertical Datum (NGVD): 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

Native – indigenous to the local forests.

Natural Areas and Natural Communities, Unique Natural Areas and Natural Communities: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas so identified in the municipality's comprehensive plan.

Net Acreage: The net area of any parcel or site generally suitable, in its natural state, for development and theoretically related to the natural capacity of the land to support a certain intensity of use. The net acreage shall be determined by subtracting unsuitable areas from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted in the following order:

1. Fifteen percent (15%) of the total acreage of the parcel as an estimated allowance for new access roads and parking areas, whether or not the actual area devoted to these uses is greater or less than 15 percent.
2. Areas that are, because of existing land uses, natural features, or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the

- parcel, as determined by the Planning Board.
3. Areas within a floodway or 100-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.
 4. Areas characterized predominately by soils classified by the U.S. Soil Conservation Service as either a) "very poorly drained" or b) "poorly drained" and having a slope of less than three percent (3%).
 5. Areas of rights-of-way and easements, except for new access roads deducted above and rights-of-way or easements for landscaped buffer strips and walking/bicycle paths not part of a street right-of-way.
 6. Stream channels, as measured from the top of banks, and other surface water bodies, as measured from the high water mark.
 7. Areas of 33 percent sustained slope or more. Slope areas of 20 to 33 percent shall also be deducted unless the developer can demonstrate to the Planning Board's satisfaction that these slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized, and that any slope development will minimize soil erosion and comply with Maine State Plumbing Code.
 8. Areas of un-reclaimed gravel or borrow pits.
 9. Land in Resource Protection Districts.
 10. Other areas that the Planning Board determines could not, in their natural state, be incorporated into conventional subdivision lots of the minimum required area.

No building or structure shall be sited in areas treated as 100 percent deductions from the parcel's gross area. Sitting of structures in areas treated as 50 percent deductions shall be discouraged but permitted where the applicant/developer demonstrates that measures will be taken to minimize erosion, sedimentation, and seasonal wetness, that these areas are stable for the sitting of structures and that proposed subsurface waste disposal systems are sited away from marginal soils and otherwise meet the State of Maine Subsurface Waste Disposal Rules.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.

Net Residential Density: The net residential acreage of a parcel of land divided by the minimum lot area per dwelling unit.

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

New Structure or Structures: Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

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

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed 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.

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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

Nursing Home: Any dwelling in which three (3) or more aged, chronically ill, or incurable persons are housed and furnished with meals, and nursing care for compensation.

100-Year Flood: The highest level of flood that, on the average, has a one percent (1%) chance of occurring in any given year.

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Parking Space: Parking space shall mean an area of not less than 180 square feet, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year round.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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.

Planned Residential Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation of programmed series of development stages. It may contain more than one principal structure on a lot and may include a mix of single family detached houses with Town houses and apartment buildings with common recreation areas and off-street parking.

Piers, docks, wharves, 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 Pittsfield.

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

Prime Agricultural Soils: Prime agricultural soils are those soils which have the least limitations for growing food and will produce the best yields with the least environmental damage.

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

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

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 Improvement: Works of governmental units and public utilities, including but not limited to, lighting, sidewalks, street furniture, overhead utilities, buildings, tree planting programs, street signs, and traffic lights.

Public Sewer System: A common sewer controlled by a public, governmental authority.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recharge Area: Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan 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.

Regulatory Floodway:

- a. 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.

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.

Reserved Affordable Housing: Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

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 at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

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.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities

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 floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road - 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, excluding a driveway as defined.

Roadside Stand: A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants. In addition, it may involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods and home-made handicrafts. The floor area devoted to the sales of these accessory items shall not exceed 50% of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a roadside stand.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

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, Lot Line: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

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

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 or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

Sign: Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

Sign Area: The surface area on one side of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etcetera, encompassing all lettering, wording, design, or symbols, together with any background which is distinguishable from the building. For the purposes of calculating the surface area of a sign, an inconspicuous support exemplified by a slim post is not part of the sign.

Sign, Canopy: A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, Consolidated: A single, on premise sign that serves two or more businesses or entities, all of which are located at the same lot of record, which sign is on a single device, fixture, placard, or structure.

Sign, Freestanding: A sign supported by one or more upright poles, columns, braces or structure anchored in the ground and not attached to any building or other structure.

Sign, Externally Illuminated: A sign that is lit entirely from an external source, such as flood or spot lights, and is so arranged that no direct rays of light are projected from the external source onto adjoining properties or public streets.

Sign, illuminated: A sign lit in any manner by an artificial light.

Sign, Internally Illuminated: A sign whose lighting is integral to the sign and/or shines through a plastic or other translucent covering.

Sign, Ladder: A sign with two or more signs attached to the same support. The components of a ladder sign must comply, cumulatively, with the dimensional limitations imposed by this section.

Sign, Off Premise: A sign that is not located on the same lot of record that the business, facility, or point of interest is located.

Sign, On Building: A sign that is attached to the building wall and extends not more than six inches

from the face of such wall.

Sign, On Premise: A sign that is located on the same lot of record that the business, facility, or point of interest is located.

Sign, Projecting: A sign that is attached to a building wall and extends more than six inches from the face of such wall.

Sign, Portable: A sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels or trailers, balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. For the purpose of this Ordinance, menu and sandwich board signs are not considered portable signs.

Sign, Temporary: A sign of temporary nature, erected for a period of less than 90 days within any 12 month period, exemplified by the following: political signs, charitable signs, fundraising signs, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising the sale of personal property (excluding mobile homes), and for rent signs. Any exterior sign displayed by an ongoing business on the business' premises in which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs.

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.

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

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

Special Flood Hazard Area: See Area of Special Flood Hazard.

Storm-damaged tree - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

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, whether or not that alteration affects the external dimensions of the building.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. This definition to also includes Johnson Brook from the 300 foot contour as depicted on the USGS Map to the Burnham Town Line.

Street: A way established or maintained under public authority, or a fifty (50) foot wide recorded private way approved by the Planning Board, or a way shown on a plan of a subdivision duly approved by the Planning Board. The right-of-way of a street cannot be used to calculate the frontage of a lot.

Street Classification:

Arterial Street: A major thoroughfare that serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

Interstate 95
Canaan Road
Main Street
Somerset Avenue

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. The following roadways shall be considered collector streets:

North Main Street
Hartland Avenue
Hunnewell Avenue
Madawaska Ave.
Phillips Corner Road
Peltoma Avenue

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Local Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Structure – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection

5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Subdivision: The division of a tract or parcel of land into three (3) or more lots as defined by the Maine Revised Statutes Annotated, Title 30-A, Sec. 4401, as amended, within any five (5) year period.

Substantial Construction: The completion of a portion of the improvements that represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Substantial Damage: 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.

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

Substantially Commenced; Substantially Completed: Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab or footings, the installation of piles, the construction of columns, or the placement of a manufactured home on a foundation has begun. Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use, or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum it shall include the completion of no less than seventy (70) percent of the costs of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

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

M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

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

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate 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.

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" 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.

Turning Circle: A street segment forming a circle at the closed end of a cul-de-sac street, with a curve radius of 100 feet as measured to the outside line of the right-of-way.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. 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) feet) tall or taller.

Usable Open Space: That portion of the common open space that 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 nor very poorly drained, have ledge outcroppings or areas with slopes exceeding 10%.

Use: The declared or ostensible purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Utilities: Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power, cable television and communication transmission lines, electrical power substations, static transformer stations, telegraph exchanges, commercial microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Vegetation - 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.

Violation: Means the failure of a structure, use, lot or development to comply with a community's floodplain management regulations or the standards of this Ordinance.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Wildlife Habitat, Significant Wildlife Habitat: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas so identified in the municipality's comprehensive plan.

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

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

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

Yard Front: An open unoccupied space on the same lot with the building or structure between the front line of the building or structure and the front line of the lot at the road or street and extending the full width of the lot.

Yard Rear: An open unoccupied space on the same lot with the building or structure between the rear line of the building or structure and the rear line of the lot and extending the full width of the lot.

Yard Side: An open unoccupied space on the same lot with the building or structure situated

between the building and the side line of the lot and extending from the front yard to the rear yard.
Any lot line not a rear line or a front line shall be deemed a sideline.

¹Ordinance 11-06, 05/03/2011

²Ordinance 14-06, 05/06/2014

³Ordinance 15-03, 03/03/2015

APPENDIX A

38 §437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. **Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;
2. **Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;
3. **East Machias River.** The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;
4. **Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;
5. **Machias River.** The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;
6. **Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R.3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;
7. **Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;
8. **East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;
9. **Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;
10. **Rapid River.** The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;
11. **West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and
12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.

TOWN COUNCIL MEETING OF 2/19/2019 :

<input type="checkbox"/> PUBLIC HEARINGS	<input checked="" type="checkbox"/> NEW BUSINESS
<input type="checkbox"/> REPORTS	<input type="checkbox"/> DISCUSSION ITEMS
<input type="checkbox"/> OLD BUSINESS	<input type="checkbox"/> EXEC. SESSION
<input type="checkbox"/> ORDER 19- <input type="checkbox"/>	<input checked="" type="checkbox"/> PACKAGE
<input checked="" type="checkbox"/> RESOLUTION 19- 20	<input type="checkbox"/> ADDITION
<input type="checkbox"/> ORDINANCE 19- <input type="checkbox"/>	

TO BE TITLED: **RESOLUTION 19-20**: Resolved that the Town Council accept the proposal of Harris Computer to add the PayPort module to our TRIO service to support Credit Card processing for the sum of \$900.00 and authorize the Town Manager to execute the Contract.

DESCRIPTION: Harris Computer developed the PayPort module to support the credit card processing service. The \$900.00 is a one-time fee of \$720.00 for the module and \$180.00 for training, implementation and Project Management. In addition our Technical Support contract will increase by \$160.00 per year going forward.

SUBMITTED BY: Michael Feole
DATE: 2/11/2019
AGENDA-



Quote

Date: 1/8/2019
Quote#: WAW-H7B6S8
Effective To: 4/30/2019
Prepared By: Allison Whelchel

This understanding between **Pittsfield, Town of** at 112 Somerset Avenue, Pittsfield ME 4967 ("Purchaser") and **N. Harris Computer Corporation** at 2429 Military Road Suite 300, Niagara Falls, NY 14304 ("Harris") confirms the purchase of the following licensed software products and/or services:

Qty	Item	Price	Ext Amount
SOFTWARE LICENSES:			
1	Payport Interface for CC - TRIO	\$720.00	\$720.00
Total SOFTWARE LICENSES:			\$720.00
PROFESSIONAL SERVICES:			
Application Consulting			
1	Training/Implementation/Project Management	\$180.00	\$180.00
Subtotal			\$180.00
Total PROFESSIONAL SERVICES:			\$180.00
TOTAL:			\$900.00
ANNUAL MAINTENANCE & SUPPORT:			\$160.00

Thank you so much for your continued support and business!

All items quoted will be added to coincide with your current maintenance agreement and pro-rated if necessary.

Please approve this quote/contract and return to:

Allison Whelchel
awhelchel@harrislocalgov.com

Payment Terms: Order will be processed with the return of signed quote. Licenses, hardware and services, including travel and lodging expenses, will be billed as product is delivered and/or the work is performed.

Travel and Lodging for Services: All charges are exclusive of out-of-pocket expenses for services performed. Charges for actual and reasonable out-of-pocket expenses, including but not limited to travel and lodging expenses, will be billed monthly as accrued.

Travel and lodging expenses will be billed in conjunction with any services work performed at the Purchaser's offices by Harris personnel. Lodging expenses will include hotel expenses and will only be charged if an employee is required to spend the evening. Travel expenses may include airfare if the employee is required to travel by air to reach the Purchaser's offices. Travel may include the cost of a rental car. If an employee uses his/her personal vehicle, mileage will be charged at the currently published IRS reimbursement rate. When an employee is at or traveling to the Purchaser's offices, fifty-five dollars (\$55) per day will be charged to cover meals and incidentals. If an employee must travel on Saturday, Sunday, or a holiday, or is at the purchaser's office on a holiday, one hundred-ten dollars (\$110) per day will be charged to cover meals and incidentals.

Harris will use its best efforts to minimize all travel and lodging expenses. Only actual travel and lodging expenses will be billed to the Purchaser.

Applicable Tax: Quote does not include applicable sales tax. If the Purchaser is Tax Exempt, a Tax Exemption Certificate (or other documentation) must be provided with this signed Contract. Otherwise, applicable sales tax will be applied at the time of billing.

Purchaser: Pittsfield, Town of (ME)

By: _____ Date: _____

Title: _____

TOWN COUNCIL MEETING OF 02/19/2019 **:**

 PUBLIC HEARINGS

 X NEW BUSINESS

 REPORTS

 DISCUSSION ITEMS

 OLD BUSINESS

 EXEC. SESSION

 ORDER 19-

 X PACKAGE

 X RESOLUTION 19- 21

 ADDITION

 ORDINANCE 19-

TO BE TITLED: Resolved that the Town Council approve paying Animal Control Officer (ACO) Connie Cummings on a weekly basis.

DESCRIPTION:

ACO Connie Cummings has requested to be paid on a weekly basis to help her meet her financial needs and to be consistent with the other towns she serves. ACO Cummings is currently paid on an on-call basis at \$15.00 an hour and she is reimbursed for her mileage to the Waterville Human Society. ACO Cummings is also on call 24 hours a day, seven days a week.

ACO Cummings provides ACO coverage in four (4) other towns and each of these towns pays her on a bi-weekly or monthly basis. It was very difficult to recruit an ACO who was well qualified and dedicated to the profession. ACO Cummings works hard and has been instrumental working several ACO calls and subsequent follow-up investigations. There are weeks when she has limited calls for service but other weeks when she is extremely busy.

ACO Cummings is requesting to be paid \$150.00 a week (\$600 month/\$7200 year). I recommend we pay her this amount until arrangements are made for a new police officer to handle ACO matters. After the new officer is initiated to handle ACO matters we will still need a back-up position and ACO Cummings has agreed to do this on an hourly basis and to transport animals to the shelter if needed.

Having a trained Animal Control Officer is very positive for the town and the safety and well-being of the citizen's and injured and/or captured animals.

SUBMITTED BY: Pete Bickmore, Chief of Police
DATE: February 19, 2019

AGENDA-

TOWN COUNCIL MEETING OF 02/19/2019:

 PUBLIC HEARINGS
 REPORTS
 OLD BUSINESS
 PRESENTATIONS

 X NEW BUSINESS
 DISCUSSION ITEMS
 EXEC. SESSION

 ORDER 19-
 X RESOLUTION 19- 22
 ORDINANCE 19-

 X PACKAGE
 ADDITION

TO BE TITLED: Resolved that the Town Council authorize the expenditure of \$39,806.90 from the Pittsfield Future Fund for the 2019 Ford Utility Police Interceptor and required equipment, with such funds to be reimbursed to the Pittsfield Future Fund if and when a loan or bond is processed to fund 2019 Capital projects

DESCRIPTION:

As of today, the Pittsfield Future Fund has accumulated a total of \$47,293 in interest. Therefore, sufficient funds are available to pay for the required capital expenditure leaving a balance of \$7,486.10 in available funding. More CDs will be maturing this year, therefore, interest will start to accumulate again after the use of these funds.

I have been looking at some options and talking to banks regarding loans. I will bring in the results to the Town Council Meeting.

SUBMITTED BY: _____

DATE: _____

AGENDA-5221

(KR)

02/13/2019