# TOWN OF LITCHFIELD

# LAND USE ORDINANCE

**Adopted**

**June 2004**

**Amended**

**June 2006**
**June 2011**
**June 2012**
**June 2013**

## Contents


Section 1 General Provisions ..... 4
A Title: ..... 4
B Authority: ..... 4
C Purpose: ..... 4
D Applicability: ..... 4
E Effective Date: ..... 4
F Relationship with other Ordinances: ..... 4
G Validity and Severability: ..... 4
H Amendments: ..... 4
I Availability: ..... 5
J Application Forms: ..... 5
K Permit Fee: ..... 5
Section 2 Administration and Enforcement ..... 5
A Code Enforcement Officer: ..... 5
B Enforcement: ..... 5
C Planning Board: ..... 6
D Board of Appeals ..... 6
Section 3 Permit Requirements ..... 7
A Permits shall be required for the following: ..... 7
B Permits Not Required ..... 8
C Permit Required Prior to Construction ..... 8
D Permits Issued After Appropriate Review: ..... 8
E Plumbing Permit Required: ..... 8
F Expiration of Permit ..... 8
G Permit Fee ..... 8
H Decisions ..... 9
I Burden of Proof ..... 9
J Rights not Vested` ..... 9
K Site Inspection ..... 9
L Additional Information and Studies ..... 9
M Waivers ..... 9
N Conditions ..... 10
O Public Hearing Requirements ..... 10
P Expiration of Site Plan Application ..... 10
Section 4 Review Criteria ..... 10
A Review Criteria ..... 10
Section 5 Application Procedure ..... 11
A Code Enforcement Officer Permit Review: ..... 11
B Planning Board Review ..... 12
1 Application Procedure: ..... 12
2 Submission Requirements ..... 13
Section 6 Non-Conformance (Grandfathering) ..... 14
A Purpose: ..... 14
B General Requirements: ..... 14
C Non-Conforming Structures: ..... 14

D Non-Conforming Uses: 14
E Non-Conforming Lots: 15
Section 7 Land Use Districts 15
A Official Map 15
B District Boundaries: 15
C Lots Divided by District Boundaries: 16
D Inconsistencies: 16
E Designation of Land Use Districts: 16
F District Purpose: 16
1 Rural District 16
2 Village District 16
3 Planned Development District 16
G Land Use Tables: 17
G.1 LAND USES—RESOURCE PROTECTION 17
G.2 LAND USES—RESOURCE PRODUCTION 17
G.3 LAND USES—RESIDENTIAL 18
G.4 LAND USES—INSTITUTIONAL/GOVERNMENTAL 18
G.5 LAND USES—COMMERICAL 19
G.6 LAND USES—UTILITIES 20
G.7 LAND USES—RECREATION 20
G.8 LAND USES—ACCESSORY/OTHER 20
H District Dimensional and Design Requirements: 20
SECTION 8 Neighborhood and Environmental Standards 21
A Access to Lots 21
B Rear Lot Access and Frontage 22
C Accessory Buildings and Structures 22
D Water Quality 22
E Aquifer 22
F Historic and Archeological Sites 22
G Outdoor Lighting 23
H Sanitary and Liquid Waste 23
I Material Storage 23
J Natural Resource Protection 23
K Erosion Control 24
L Storm Water Control 24
M Phosphorus Control 25
N Noise 25
O Signs 25
P Fire Protection 26
SECTION 9 Performance Standards for Specific Activities 26
A Adult Business 26
B Overnight Accommodations 27
C Bed and Breakfast 27
D Telecommunication Facilities 27
E Accessory Housing Units 28
F Multi-Family Residential 28
G Cottage Industries 29
H Home Occupations 29

I Mobile Homes ..... 30
J Mobile Home Parks ..... 30
K Junkyards ..... 31
L Mineral Extraction ..... 32
M Wind Turbines and Meteorological Towers ..... 32
N Strip Mall Development ..... 33
O Vehicle Sales and Service ..... 34
SECTION 10 Road Access, Traffic and Parking Standards ..... 35
A General Requirements ..... 35
B Access to Public Streets ..... 35
1 General Provisions ..... 35
2 Location and Design of Access Points ..... 36
C Parking Requirements ..... 37
1 Access Restrictions ..... 37
2 Interior Vehicular Circulation ..... 37
3 Parking Stalls and Aisles ..... 37
5 Screening Requirements ..... 39
Section 11 DEFINITIONS ..... 40

## Section 1 General Provisions

A Title:
This Ordinance is known and cited as the Town of Litchfield Land Use Ordinance and will be referred to as " this Ordinance ".

B Authority:
This Ordinance is adopted pursuant to the provisions of Title 30-A MRSA Section 3001.

C Purpose:
The purposes of this Ordinance are:

1. To provide for an expeditious and efficient process for the review of all building and structures.
2. To meet the goals and conform to the policies of the Litchfield Comprehensive Plan.
3. To assure the safety, health and welfare of the people of Litchfield.
4. To promote the development of an economically sound and stable community.
5. To preserve and enhance the rural character of the community.
6. To preserve and protect natural and cultural resources of the community.
7. To ensure the safety and convenience on public roads.
8. To ensure an orderly process to direct growth and development.

D Applicability:
The provisions of this Ordinance shall govern the use of all land and structures within the Town of Litchfield, except for those areas regulated under the Town of Litchfield Shoreland Zoning Ordinance.

E Effective Date:
This Ordinance takes effect upon enactment by the Town Meeting on June 12, 2004 and the following ordinances of the Town in effect prior to the enactment of this Ordinance shall be repealed as of that date:

Site Plan Review Ordinance
Building Regulations of the Town of Litchfield
Litchfield Minimum Lot Size Ordinance

F Relationship with other Ordinances:
Whenever a provision of this Ordinance conflicts with, or is inconsistent with, another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control.
In addition to the requirements of this Ordinance all development proposals involving the following; subdivisions; floodplain management; shoreland zoning, and roads shall conform to the applicable requirements of those separate ordinances.

G Validity and Severability:
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision does not invalidate any other section or provision of this Ordinance.

H Amendments:
Amendments to this Ordinance may be initiated by a majority vote by the Board of Selectmen, Planning Board, or by written petition by a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.

Section 1 (continued)

An amendment to this Ordinance shall be adopted by a majority vote of a Town Meeting. The Planning Board shall conduct a public hearing on any proposed amendments prior to the Town Meeting.

I Availability:
A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost to be charged to the person making the request.

J Application Forms:
The Planning Board and the Code Enforcement Officer shall develop appropriate application forms to be used by all applicants seeking permits.

K Permit Fee:
All applications for a permit shall be accompanied by the fee established by the Board of Selectmen. All fees are non-refundable and shall be paid to the Town of Litchfield upon filing a permit application.

## Section 2 Administration and Enforcement

A Code Enforcement Officer:

1. 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/she shall immediately notify, in writing the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. The Code Enforcement Officer is authorized to order immediate cessation of any development activity, pending action of the Board of Selectmen, as provided in subsection B below.
2. The Code Enforcement Officer shall maintain a file of all permit applications and maintain a record of all essential transactions of the office, including but not limited to applications submitted, permits granted or denied, variances granted or denied, Planning Board reviews granted or denied, revocation orders violations and fees collected.
3. The Code Enforcement Officer may enter any property at reasonable hours, and enter any structure with the consent of the property owner, occupant, or agent to inspect the property or structure for compliance with this Ordinance. If consent is denied, the Code Enforcement Officer may enter the property after obtaining the necessary legal authorization.

B Enforcement:

1. When any violation of any provision of this Ordinance shall be found to exist, The Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all corrective actions and proceedings, including, to require the removal of illegal buildings; structures; additions; or work being done; or any other action to insure compliance with, or to prevent violation of, this Ordinance in the name of the Town.
2. Any person, firm or corporation being the owner, contractor or having control or use of any structure or premises who violates any provisions of this Ordinance shall upon conviction be fined in accordance with the provisions of Title 30-A MRSA Section 4452. Each day such a violation is permitted to exist after notification by the Code Enforcement Officer shall constitute a separate offense. All fines including the award of any court cost shall be made payable to the Town of Litchfield.

Section 2 (continued)

C Planning Board:

1 The Planning Board shall hear and decide upon permit applications and perform other duties as authorized by this Ordinance.

D Board of Appeals

1 The Board of Appeals shall have the following powers:

(A) Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance.

(B) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this ordinance.

2 Variance Appeals

(A) Variances may only be granted from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage and setback requirements. Variances shall not be granted for the establishment of any uses otherwise prohibited by this Ordinance.

(B) The Board of Appeals shall not grant a variance unless it finds that strict application of the terms of this ordinance would result in undue hardship. The term undue hardship shall mean the following:

(1) The land in question cannot yield a reasonable return unless a variance is granted.

(2) The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

(3) The granting of the variance will not alter the essential character of the locality.

(4) The hardship is not the result of action taken by the applicant or a prior owner.

(C) The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes 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.

(D) The variance approval shall be filed by the applicant at the registry of deeds within 90 days of the date of the written approval of the variance or the variance is void.

(E) The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. 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 property 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 on the property. The term “structures necessary for access to or egress from the property” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

Section 2 (continued)

3 Appeal Procedure

(A) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such an appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Board, upon showing of good cause, may waive the 30 day requirement.

(B) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(1) A concise written statement indicating what relief is requested and why it should be granted.

(2) A sketch drawn to scale showing lot lines, location of structures and other physical features of the lot pertinent to the relief sought.

(C) Upon being notified of an appeal the Code Enforcement Officer or the Planning Board, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from.

(D) The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request. The public hearing shall meet the requirements established in Section 3,O, 2, of this Ordinance.

(E) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

(F) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the Code Enforcement Officer or Planning Board, to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act of the Code Enforcement Officer or the Planning Board only upon a finding that the decision, or failure to act was clearly contrary to specific provisions of this Ordinance.

(G) The person filing the appeal shall have the burden of proof.

(H) The Board shall decide all appeals within 35 days after the close of the public hearing, and shall issue a written decision on all appeals.

(I) All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis thereof, and the appropriate order, relief or denial thereof.

(J) The Board of Appeals may reconsider any decision within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

(K) An 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 45 days from the date of any decision of the Board of Appeals.

## Section 3 Permit Requirements

A Permits shall be required for the following:

1 The construction, erection, improvement, addition, enlargement, alteration, demolition, or movement of any building or structure including temporary structures when the fair market value of such labor and materials exceeds $1,000.00 cumulatively within a 12 month period.

2 The installation or construction of a dwelling unit, mobile home or modular home.

3 Expansions of a non-conforming use or structure.

Section 3 (continued)

4 Mineral extraction activities.
5 For a new or expanded land use activity as listed in the Land Use Table.
6 Change of use to one that is allowed in a particular land use district.
7 For the installation of internal plumbing and subsurface wastewater disposal systems.

B Permits Not Required

Permits are not required for the following:

1 For any allowed use activity as listed in the Land Use Table
2 For normal repair and maintenance
3 For any activity as listed in A, 1 above that is less than the stated fair market value of $1,000.00 within a 12 month period and is not located within a shoreland zone.
4 For the following activities when they are reviewed and issued a permit under the following
Subdivision as per the Subdivision Ordinance.
Floodplain development as per the Floodplain Management Ordinance.
Shoreland development as per the Shoreland Zoning Ordinance

C Permit Required Prior to Construction

A permit shall be obtained for all those activities listed in Section A prior to the start of any construction, site work, development, or commencement of a land use activity.

D Permits Issued After Appropriate Review:

All permits shall be obtained from the Code Enforcement Officer after meeting the appropriate review requirements established in this Ordinance.

The Table of Land Uses indicates what type of review is required for each land use activity. The following types of review are specified:

1 The Code Enforcement Officer reviews and issues permits for certain activities.
2 The Planning Board reviews certain activities and a permit is obtained from the Code Enforcement Officer after the Board votes to approve the application.
3 Allowed uses as indicated on the Land Use Table do not require review of a permit but are expected to comply with applicable sections of this Ordinance.
4 Activities listed in (B) above, do not require review or a permit.
5 Plumbing and Subsurface Waste Water Disposal systems require a permit from the Local Plumbing Inspector.

E Plumbing Permit Required:

A plumbing permit and/or a subsurface wastewater disposal permit shall be obtained for all land use and construction activities, unless the specific activity does not require a plumbing or subsurface wastewater disposal system permit as per State Law and Regulation.

F Expiration of Permit

Permits are valid for 24 months from the date of issuance. An extension may be granted for an additional 12 months by the Code Enforcement Officer upon request of the applicant. Permits that have expired shall become null and void and the applicant shall obtain another permit to complete the project as required by this Ordinance. A permit is transferable.

G Permit Fee

The Board of Selectmen shall establish a fee for all permits. All fees shall be non-refundable and shall be paid upon submission of the permit application for review.

Section 3 (continued)

H Decisions

After a review of a complete application the Code Enforcement Officer /Planning Board shall determine whether or not the permit application meets the review criteria contained in Section 4 of this Ordinance. The Planning Board/Code Enforcement Officer shall make a written finding of fact to support its decision and vote to approve the application, approve the application with conditions, or deny the application. The Planning Board shall submit its decision on the application to the Code Enforcement Officer.

I Burden of Proof

The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria and the standards contained in this Ordinance.

J Rights not Vested`

The submittal of the permit application to the Code Enforcement Officer to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of Title 1, MRSA, Section 302. The formal review process shall begin upon notification to the applicant that a complete application has been received.

K Site Inspection

The Code Enforcement Officer and/or the Planning Board may perform an on-site inspection of the proposed project in order to obtain knowledge about the site and the surrounding area.

L Additional Information and Studies

The Planning Board may at its discretion retain expert independent technical assistance to supplement the evidence presented by the applicant and the public hearing. The cost of such expertise shall be borne by the applicant in accordance with the terms of the escrow account set-up at the time the application is submitted as listed in the Permit Fee Schedule established by the Board of Selectmen.

M Waivers

1 The Planning Board may vote to waive any of the neighborhood standards, submission requirements, or performance standards contained in this Ordinance when it finds one of the following:

(A) One or more of the submission requirements, neighborhood standards or performance standards are not applicable to the proposal due to the size of the project, circumstances of the site, design of the project, type of project or unique features of the proposed use.

(B) The applicant has proposed an alternative design that meets or exceeds the requirements set forth in the ordinance performance standards or neighborhood standards.

The Planning Board may consider a waiver only for land use activities that require Planning Board review.

2 The applicant shall submit information and materials that support the waiver request with the application.

3 The Planning Board shall review any written waiver request and if it meets the criteria for a waiver, shall approve the request. If the Planning Board finds that the request does not meet the waiver criteria, the Board shall deny the request. The applicant shall amend the application as required if the waiver is not approved by the Board. The Planning Board may vote to suspend review of the application until such time that the applicant provides any information necessary as a result of not obtaining the waiver. In no case shall the

Section 3 (continued)

Planning Board make a final decision upon the application until the applicant supplies any additional information to the satisfaction of the Board.

4 All waivers approved by the Planning Board shall be listed in the final decision letter and permit issued by the Code Enforcement Officer.

N Conditions

Upon consideration of the review criteria, the Planning Board/Code Enforcement Officer may attach such conditions to the proposed application that it finds necessary to further the purposes of this Ordinance. Conditions are limited to further address items already contained in this Ordinance. A condition may not be imposed to regulate any item not specifically discussed in this Ordinance.

In determining whether conditions are appropriate or necessary, the Planning Board/Code Enforcement Officer shall consider the unique features of the following: site and surrounding area; proposed use and proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this Ordinance.

The conditions shall be listed in the permit and shall be made enforceable under this Ordinance.

O Public Hearing Requirements

The Planning Board shall hold a public hearing on each application that it is required to review as follows:

1 The public hearing shall be held within 45 days of determining that the application is complete.

2 The notice of the date, time, and place of the public hearing shall be made as follows:

(A) Published at least once in a newspaper having general circulation within the Town. The date of the publication shall be at least 7 days before the hearing.

(B) Mailed by first class mail to the applicant.

(C) Mailed by first class mail to all property abutters, at least 7 days prior to the public hearing. The Planning Board shall maintain a list of all property abutters who were mailed a notice in the application file. Failure of an abutter to receive a notice shall not invalidate the public hearing, nor shall it require the Planning Board to schedule another hearing.

3 The Planning Board may vote to continue the public hearing in order to receive additional public comment or information concerning the application. The Board is not required to meet the notice requirements listed above for the continued public hearing.

P Expiration of Site Plan Application

Site Plan applications are valid for 12 months from the date the fee is paid. An extension may be granted by the reviewing authority when it feels additional time is needed. Permit applications that have expired shall become null and void.

Section 4 Review Criteria

A Review Criteria

The applicant for a permit review shall demonstrate that the proposed use or project meets the review criteria listed below. The Planning Board/Code Enforcement Officer shall approve a permit application only after making a written finding that all of the following criteria have been met.

1 The application is complete and applicable review fee has been paid.

2 The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Section 4 (continued)

3 The proposed activity will not have an adverse impact on wetlands.
4 The proposed activity will not have an adverse impact upon any waterbody.
5 The proposed activity will provide for adequate storm water management.
6 The proposed activity will provide for adequate sewage disposal.
7 The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the Town of Litchfield Floodplain Management Ordinance.
8 The proposed activity will not result in air or water pollution.
9 The proposed activity has sufficient water available for the current and foreseeable needs of the development.
10 The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
11 The proposed activity will dispose of all solid waste in conformance with all local, state and federal regulations.
12 The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.
13 The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or roads existing or proposed.
14 The proposed activity to the maximum extent possible will not have an adverse effect on historic and archeological sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas.
15 The proposed activity shall conform to all the applicable requirements of the Town's other local Ordinances and all State and Federal regulations.
16 The proposed activity will not unreasonably increase a great pond's phosphorus concentration if the development is within the watershed of a great pond.
17 The applicant has the financial and technical capacity to meet the provisions of this Ordinance.
18 The proposal conforms to all the applicable provisions of this Ordinance.

## Section 5 Application Procedure

A Code Enforcement Officer Permit Review:

The following requirements shall apply to all those land use activities that require review by the Code Enforcement Officer.

1 Application Procedure:

(A) Within 14 calendar days of receiving a permit application, the Code Enforcement Officer shall determine if the application is complete and notify the applicant in writing that the application is complete, or if the application is incomplete, the specified additional materials needed to make the application complete.

(B) Within 14 calendar days of determining that the application is complete, the Code Enforcement Officer shall render a final decision to approve, approve with conditions or deny the permit application. The final decision shall be issued in writing to the applicant.

2 Submission Requirements:

A permit application shall contain the following:

(A) Name, address and telephone number of the applicant and applicant's agent if applicable.

(B) Property location, including map and lot number.

(C) Verification of applicant's right title or interest in the property. (May include but not limited to Registered Deed, Purchase Sales Agreement signed by all parties, signed Lease.)

Section 5 (continued)

(D) Receipt of the application fee.
(E) Estimated cost of the proposal.
(F) Schedule of construction, including anticipated beginning and completion dates.
(G) Plumbing permit and subsurface wastewater disposal permits if applicable.
(H) Floodplain Management or any other local permit application if applicable.
(I) A complete description of the project, including how the proposal complies with all the applicable Review Criteria.
(J) A map drawn to scale showing the location, boundaries, elevations, uses and size of the following: site, structures, setbacks, parking areas, driveways, roads, erosion control and stormwater control features, easements and rights-of-way, and all waterbodies.
(K) Any other information necessary to show that the proposal complies with the applicable requirements of this Ordinance.

B Planning Board Review

Applicants are encouraged to meet with the Planning Board in a Pre-Application Meeting before submitting a formal application. The purpose of the Pre-Application Meeting is for the applicant to present a sketch plan and general information regarding the proposal to the Planning Board and to receive the Planning Board's comments.

The following shall apply to all land use activities requiring review by the Planning Board.

1 Application Procedure:

(A) The applicant shall submit the Planning Board Review application to the Code Enforcement Officer along with the appropriate application fee.
(B) The Code Enforcement Officer shall issue a dated receipt to the applicant upon receiving the application.
(C) Within 14 days of receipt of the application, the Code Enforcement Officer shall make a determination whether submission requirements in Section 5B2 have been provided and notify the applicant of his/her determination.
(1) If all submission requirements have not been provided the Code Enforcement Officer shall notify the applicant of the specific materials needed to complete the application. The applicant shall provide the required materials according to above listed procedure.
(2) If all submission requirements have been provided the Code Enforcement Officer shall notify the Planning Board that a complete site review application has been received and schedule a public hearing.
(D) The applicant shall at least 14 days prior to the scheduled public hearing submit to the Code Enforcement Officer 9 copies of the application. The Code Enforcement Officer shall distribute to the Planning Board copies of the application prior to the public hearing. The Code Enforcement Officer may allow the applicant to submit reduced size copies of maps and plans. The Code Enforcement Officer shall base the decision upon the size and complexity of the proposal, however; at least one full size set of plans may be submitted.
(E) The Planning Board shall make a final decision upon the application within 45 days of the public hearing; however, upon mutual consent of the applicant and the Planning Board the final decision may be extended.
(F) The Planning Board shall vote to determine whether an application is complete.
(G) The Planning Board shall submit their final decision in writing to the applicant

and to the Code Enforcement Officer. Any conditions imposed upon the application shall be listed in their final decision.

2 Submission Requirements

All site review applications shall be submitted on the forms provided by the Town of Litchfield and may include the following materials and information as required by the Planning Board.

(A) Planning Board Review Application

(B) Application fee.

(C) Waiver Request Form if Applicable.

(D) General information including the following:

(1) Name, address and telephone number of the applicant and applicant's agent if applicable.

(2) Property location, including address, map and lot number.

(3) Verification of the applicant's right, title or interest in the property, (May include but not limited to Registered Deed, Purchase Sales Agreement signed by all parties, signed Lease.)

(4) Estimated cost of the proposal.

(5) Schedule of construction including anticipated beginning and completion dates.

(6) A description of the project.

(7) The name and address of all property owners abutting the property.

(E) General location information including the following:

(1) A copy of the tax map showing the property and surrounding parcels.

(2) A copy of the Kennebec County soils map showing the property.

(3) A copy of the USGS Topographic map showing the property.

(4) A copy of the Town Land Use Map showing the property.

(5) A copy of the FIRM map showing the property.

(6) A map drawn to scale showing the location, boundaries, elevations, uses and size of the following: developed site, type of structures, setbacks, parking areas, driveways and roads, drainage ways, easements and rights-of-way, watercourses, water bodies and wetlands, number of acres within the development, size of all impervious areas, and all other significant natural and physical features.

(F) The location of all proposed subsurface wastewater disposal systems or test pit data indicating that the site can accommodate a subsurface system.

(G) Indication of the water source for the proposal including evidence that an adequate water supply is available to supply all the water needs.

(H) Evidence that all other permits can be obtained including but not limited to Floodplain Management, Shoreland Zone, State, and Federal.

(I) An erosion control plan.

(J) A storm water control plan.

(K) A phosphorus control plan.

(L) The location of any site or structure listed on the National Register of Historic Places or any archeological site identified by the State Historic Preservation Commission.

(M) The location of any significant wildlife resources or natural areas.

(N) The traffic data for the site including an estimate of the amount of vehicular traffic to be generated on a daily basis.

(O) Any proposed areas or structures to be dedicated for public use.

Section 5 (continued)

(P) Engineered drawings showing the location and construction specifications for all proposed roads.

(Q) Any other material to indicate that the applicable performance standards or other requirements of this Ordinance are followed.

(R) A statement indicating how solid waste from the project will be handled.

(S) The type and location of any proposed fire protection features and appropriate documentation.

## Section 6 Non-Conformance (Grandfathering)

A Purpose:

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

B General Requirements:

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, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the district in which it is located.

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.

This Ordinance allows, without a permit the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which 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 The following provisions shall apply to non-conforming structures:

(A) A non conforming structure may be repaired, maintained and improved but shall not be added to or expanded except by one of the following:

(1) Expansions are permitted if they conform to all applicable dimensional requirements except lot size and frontage.

(2) Expansions are permitted when they do not cause any further increase in the linear extent of the nonconformity of the existing structure with respect to the required setback from any lot line and will extend no further into a setback area than does any portion of the existing structure.

(3) A variance is obtained for the proposed expansion.

(B) A non-conforming structure that is removed or destroyed may be replaced according to the following:

(1) The structure shall be replaced so as to conform to the applicable dimensional requirements to the greatest extent possible taking into consideration the existing foundation, topography, water supply and sanitary disposal. The Code Enforcement Officer shall make the determination if the proposal meets the dimensional requirements to the greatest extent possible.

(C) A non-conforming mobile home legally existing in Litchfield before the effective date of this Ordinance may be moved to another lot.

D Non-Conforming Uses:

1 The use of land, buildings or structures, lawful at the time of adoption of this ordinance,

or subsequent amendments of this ordinance, may continue, although such use does not conform to the provisions of this Ordinance, except as provided in the following subsections;

2 A non-conforming use that is discontinued for a period of 12 consecutive months may not be resumed. A use will be considered discontinued if the property owner's intent is to give up his or her legal right to continue the existing nonconforming use. The property owners' intent shall be judged by some overt act such as but not limited to removing advertising signs, removing fixtures, equipment or goods, or by allowing the structure to become dilapidated. The use of the land, buildings, or structures shall thereafter conform to the provisions of this ordinance.

3 Whenever a non-conforming use is changed to a conforming use, the property shall thereafter conform to the provisions of this Ordinance.

4 A non-conforming use may be changed to another non-conforming use by requesting a permit review from the Planning Board. The Planning Board may approve such a change when it finds that the proposed non-conforming use will not create any more adverse impact or nuisance than the original non-conforming use. In making this determination the Board shall consider the following; noise, traffic, lighting, parking, and harm to the environment.

5 A non-conforming use may be expanded after obtaining approval from the Planning Board. The Planning Board may approve such an expansion when it finds that the proposed expansion will not create a nuisance or negative impact upon adjacent properties greater than the existing non-conforming use and the expansion will conform to all the applicable provisions of this Ordinance.

E Non-Conforming Lots:

1 A legally non-conforming lot of record that existed on the effective date of this Ordinance can be built on, providing that setbacks can be complied with or the Board of Appeals grants a variance for setbacks.

2 Lots located within a legal existing subdivision may be built upon even if they do not meet the dimensional standards contained in this ordinance. All structures placed on such lots are required to meet the applicable dimensional requirements for the district in which they are located unless a variance is obtained from the Board of Appeals.

## Section 7 Land Use Districts

A Official Map

Land use districts are located as shown on the Official Map which is made part of this Ordinance. The Official Map is displayed at the Town Office.

**Please Note: The Official Map will also show the Shoreland Zoning Districts which are described in the Town of Litchfield Shoreland Zoning Ordinance.**

B District Boundaries:

Where uncertainty exists as to the boundaries of Land use districts as shown on the Official Map the following rules shall apply:

1 Boundaries indicated as approximately following the centerlines of streets, highways, rivers or streams. Or defined in terms of their distance from said lines shall be construed to precisely reference such centerlines.

2 Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines. In the cases where the lot line shifts due to boundary line adjustments, the district boundary will shift accordingly.

3 Boundaries indicated as approximately following Town limits shall be construed to

follow such limits.

4 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline.

C Lots Divided by District Boundaries:
When a lot is divided by a district boundary, is 2 acres or less in area, the requirements of either district may be used, but shall apply to all portions of the lot. On lots larger than 2 acres, the district regulations shall be followed in each portion of the lot. However, any portion of a lot that is within a shoreland zone shall be subject to all the requirements of the Ordinance that pertain to shoreland zones.

D Inconsistencies:
Where physical or cultural features existing on the ground vary from those shown on the Official Map, or other circumstances not covered by this section, the Board of Appeals shall interpret the district boundaries.

E Designation of Land Use Districts:
The following Land Use Districts are hereby established:

R = Rural District
V = Village District
PD = Planned Development District

**Refer to the Shoreland Zoning Ordinance for information concerning Shoreland Zoning Districts.**

F District Purpose:

1 Rural District
The rural district constitutes the majority of land area within the community and is designated in order of preference for agriculture, forestry, open space, recreation, resource based activities, and low density housing. Cottage industries and home occupations in compliance with the Ordinance are allowed. Development activities that occur within the district are expected to be designed and undertaken in a manner that preserves for future generations the traditional rural character of the land.

2 Village District
The village districts are designated to include three of the Town's traditional higher density and older commercial areas. The district is intended to accommodate primarily residential development. However, some service, retail and municipal uses will be permitted. The goal is to over time more clearly define the village areas by encouraging a denser pattern of development that incorporates some traditional design elements such as walking paths and proximity to some services and recreation.

3 Planned Development District
The planned development district is designed for major commercial activities and larger scale residential developments. The district was selected primarily due to frontage on State Arterials, land is available for development and some commercial activities are already in the vicinity. The majority of growth is encouraged to locate within this district.

Section 7 (continued)

G Land Use Tables:

Land uses permitted in the Town of Litchfield are shown in the Land Use Tables by the type of review required, or not required within each district. It shall be the responsibility of the Code Enforcement Officer to determine which listed category a proposed land use activity falls within. Any use not listed is presumed to be Not Permitted.

Key to the Land Use Tables:

Y = Allowed use
C = Use requires review and permit from the Code Enforcement Officer
P = Use requires review from the Planning Board and upon approval a permit from the Code Enforcement Officer
N = Use is not permitted in the district

Table G.1 contains information about resource protection land uses:

| **G.1 LAND USES—RESOURCE PROTECTION** | | | | |
|---|---|---|---|---|
| **No.** | **Description** | **R** | **V** | **PD** |
| G.1.1 | Resource protection activities | Y | Y | Y |

Table G.2 contains information about resource production land uses:

| **G.2 LAND USES—RESOURCE PRODUCTION** | | | | |
|---|---|---|---|---|
| **No.** | **Description** | **R** | **V** | **PD** |
| G.2.1 | Timber harvesting | Y | Y | Y |
| G.2.2 | Agriculture & Aquiculture | Y | Y | Y |
| G.2.3 | Extraction of minerals | P | P | P |
| G.2.4 | Land Use | R | V | PD |

Section 7 (continued)

Table G.3 contains information about residential land uses:

| G.3 LAND USES—RESIDENTIAL | | | | |
|---|---|---|---|---|
| **No.** | **Description** | **R** | **V** | **PD** |
| G.3.1 | Single and Duplex family residential | C | C | C |
| G.3.2 | Accessory housing unit | C | C | C |
| G.3.3 | Multi-family residential | P | P | P |
| G.3.4 | Community living facility | C | C | C |
| G.3.5 | Home Occupation | Y | Y | Y |
| G.3.6 | Bed and breakfast | C | C | C |
| G.3.7 | Overnight Accommodations | P | P | P |
| G.3.8 | Boarding /group facility | P | P | P |
| G.3.9 | Mobile Home parks (1) | N | N | P |
| G.3.10 | Subdivisions (2) | P | P | P |

Table G.4 contains information about institutional/governmental land uses:

| G.4 LAND USES—INSTITUTIONAL/GOVERNMENTAL | | | | |
|---|---|---|---|---|
| **No.** | **Description** | **R** | **V** | **PD** |
| G.4.1 | Municipal/Government | P | P | P |
| G.4.2 | Educational/school | P | P | P |
| G.4.3 | Hospital/Care facility | P | P | P |
| G.4.4 | Community/ Civic/ Club Facility | P | P | P |
| G.4.5 | Cemetery | P | P | P |
| G.4.6 | Churches | P | P | P |

Section 7 (continued)

Table G.5 contains information about commercial land uses:

| G.5 LAND USES—COMMERICAL | | | | |
|---|---|---|---|---|
| **No.** | **Description** | **R** | **V** | **PD** |
| G.5.1 | Cottage industry | C | C | C |
| G.5.2 | Farm Stand | Y | Y | Y |
| G.5.3 | Rural resource industry | P | P | P |
| G.5.4 | Horse stables | C | P | P |
| G.5.5 | Veterinary services | C | P | C |
| G.5.6 | Nursery and greenhouses | C | P | C |
| G.5.7 | Eating /Drinking establishment | N | P | P |
| G.5.8 | Business service & office | N | P | P |
| G.5.9 | Commercial (under 3,000 sq, ft) (see note 3) | N | P | C |
| G.5.10 | Commercial (over 3,000 sq ft) (see note 3) | N | P | P |
| G.5.11 | Vehicle sales & service | N | P | P |
| G.5.12 | Warehouse | P | N | P |
| G.5.13 | Manufacturing/industrial | N | N | P |
| G.5.14 | Day Care facility | C | C | C |
| G.5.15 | Junkyard | N | N | P |
| G.5.16 | Adult business | N | N | P |
| G.5.17 | Strip Mall Development | N | P | P |
| G.5.18 | Wind Turbines and Meteorological Towers | P | P | P |
| G.5.19 | Telecommunication facility | P | P | P |
| G.5.20 | Bulk fuel oil storage/facility | N | N | P |

Section 7 (continued)

Table G.6 contains information about utilities land uses:

| G.6 LAND USES—UTILITIES | | | | |
|---|---|---|---|---|
| **No.** | **Description** | **R** | **V** | **PD** |
| G.6.1 | Essential services | Y | Y | Y |
| G.6.2 | Utility buildings/structures | C | C | C |
| G.6.3 | Airport | P | P | P |

Table G.7 contains information about recreation land uses:

| G.7 LAND USES—RECREATION | | | | |
|---|---|---|---|---|
| **No.** | **Description** | **R** | **V** | **PD** |
| G.7.1 | Passive recreation | Y | Y | Y |
| G.7.2 | Park/playground | C | C | C |
| G.7.3 | Campground | P | P | P |
| G.7.4 | Indoor Recreation | P | P | P |
| G.7.5 | Outdoor Recreation commercial | P | P | P |
| G.7.6 | Golf Course | P | P | P |

Table G.8 contains information about accessory/other land uses:

| G.8 LAND USES—ACCESSORY/OTHER | | | | |
|---|---|---|---|---|
| **No.** | **Description** | **R** | **V** | **PD** |
| G.8.1 | Accessory use or structure | C | C | C |
| G.8.2 | Parking facility | P | P | P |
| G.8.3 | Uses similar to allowed uses | Y | Y | Y |
| G.8.4 | Uses similar to uses requiring a CEO review | C | C | C |
| G.8.5 | Uses similar to uses requiring Planning Board review | P | P | P |

Notes:
(1) Legally existing mobile home parks regardless of their location may be expanded. Planning Board review is required.
(2) All types of subdivisions shall be reviewed according to the Town of Litchfield Subdivision Ordinance. This review shall satisfy the application review required under this Ordinance.
(3) This Commercial use category shall be used for a commercial/retail activity that cannot be classified under another type of use in the Land Use Table.

H District Dimensional and Design Requirements:

The dimensional requirements unless otherwise noted are minimum requirements. All land uses, structures and subsurface sewage disposal systems shall comply with these standards unless additional requirements are specified in this Ordinance.

All lots are required to meet all applicable Maine State Plumbing Code requirements.

Dimensional Requirement Table

| | R | V | PD |
|---|---|---|---|
| Minimum lot size (1) | 2 acres | 1 acre | 1 acre |
| Road frontage(town): road, lane | 200 ft. | 100 ft. | 200 ft. |
| Road frontage (private): road, lane, common driveway | 150 ft. | 100 ft. | 150 ft. |
| Front setback | 50 ft | 25 ft. | 35 ft. |
| Side setback | 20 ft. | 10 ft. | 20 ft. |
| Rear setback | 20 ft. | 10 ft. | 20 ft. |
| Max. building height (2) | 35 ft. | 35 ft. | 35 ft. |

Notes:
(1) Each principal structure shall conform to the minimum lot size requirement. and the other applicable dimensional requirements.
(2) The maximum building height shall apply to all buildings proposed for human occupancy used as a place of residence. The building height shall not apply to telecommunication facilities, buildings used solely for storage, agricultural structures, and accessory features on buildings including, antenna, towers, chimneys and similar features.
(3) Subdivision lots less than 2 acres may reduce minimum road frontage (town and private), front side and rear setbacks to
the dimensional requirements for the Village District.
(4) Duplex family residential is not allowed on lots less than an acre.

## SECTION 8 Neighborhood and Environmental Standards

### A Access to Lots

All lots shall be provided with an access to the property by means of a driveway, common driveway, lane or road. The specific requirements for each of these access ways are contained in the Town of Litchfield Road Ordinance.

B Rear Lot Access and Frontage

Rear lot development is permitted in the Rural, Village and Planned Development Districts. New lots proposed to be placed behind a legal lot that has existing town road frontage shall be deemed to comply with the minimum road frontage requirements if it meets the following:

1 The lot conforms to all the dimensional requirements of this Ordinance except for road frontage.

2 The lot has access that complies with requirements of the Town of Litchfield Road Ordinance for a driveway or common driveway as appropriate.

3 The necessary right-of-way for the driveway or common driveway does not reduce the road frontage of the existing road lot below the minimum established for the District in which it is located.

4 A 200 ft. setback from public right-of-way is required for all new structures.

C Accessory Buildings and Structures

Accessory buildings or structures including garages and sheds, swimming pools, and other similar structures located in the Rural, Village, and Planned Development Districts shall be subject to the following minimum setback requirements:

1 The minimum side and rear setback may be reduced to 10 feet.

2 These provision shall not apply to any accessory structure that is attached to the principal structure.

D 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 in accordance with State and Federal regulations.

Section 8 (continued)

E Aquifer

Any new non-residential land use activity situated over the Sand and gravel Aquifer as identified in the most recent Town of Litchfield Comprehensive Plan shall develop a written management plan for any contaminants that might spill and pollute the groundwater.

F Historic and Archeological Sites

1 If any portion of a development has been identified as a site of historic, prehistoric or archeological importance by the comprehensive plan, Maine Historic Preservation Commission or the National Register of Historic Places, appropriate measures for the protection of those resources shall be included in any development design.

2 Any proposed development of sites listed by one of the above listed sources shall require review and comment by the Maine Historic Preservation Commission prior to the issuance of a permit. The Code Enforcement Officer or the Planning Board shall consider any comments and recommendations received from the commission prior to rendering a

decision on the permit application.

G Outdoor Lighting

1 The outdoor lighting standards shall apply to all land use activities except for residential dwellings, and agricultural activities.

2 Lighting fixtures shall be shielded or hooded so that lighting elements are not exposed to normal view by motorist, pedestrians, structures located on adjacent properties. Light shall be directed downward so it does not light up the night sky.

3 No lighting fixture, except for street lights, shall extend beyond a height of 25 feet, as measured from ground level.

4 All exterior lighting and all reflective properties of the proposed development will be designed to minimize adverse impact on neighboring properties. No activity shall be permitted to produce a strong, dazzling light, flashing light or reflection of light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way or create a nuisance for neighboring property owners.

H Sanitary and Liquid Waste

1 All land use activities shall provide for the disposal of all solid waste on a timely basis as not to create a health hazard and in an environmentally safe manner.

2 All necessary Internal Plumbing and Subsurface Wastewater Disposal permits required as per State law and regulation shall be obtained by the applicant.

3 The specific amount and nature of all industrial or chemical waste to be generated by the proposed operation shall be listed in the permit application. Industrial or commercial waste may be discharged only in such quantities and/or quality as to be able to be accepted into the applicable disposal system. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter shall be treated by an acceptable system. The handling, use and disposal of all industrial and chemical waste shall conform to all applicable state and federal regulations.

I Material Storage

1 All commercial outdoor storage areas including areas used for the storage or collection of solid waste, junk automobiles, auto parts, building materials, machinery, sand and gravel, or other such items, shall have screening sufficient to minimize its impact on roads, and other properties in the area. Walls, fencing, dense plant material, or a combination of material can be used to achieve this intent.

2 Areas designed for the outdoor display of items sold on the premises including but not limited to, vehicle sale lots, greenhouse items, and similar activities shall provide for a buffer between the road right-of-way.

Section 8 (continued)

The buffer width in the Village District shall be 5 feet and the buffer width in the Planned Development District shall be 10 feet.

J Natural Resource Protection

1 If any portion of the parcel has been identified as a Critical Natural Area by the Maine Natural Areas Program or as containing threatened or endangered species of plants or animals by the Maine Department of Inland Fisheries and Wildlife, these areas should not be developed. If development of these areas is proposed because no other reasonable alternative exists, the applicant shall develop a mitigation plan in cooperation with the

Maine Department of Conservation and /or the Maine Department of Inland Fisheries and Wildlife as appropriate. The Code Enforcement Officer or the Planning Board shall incorporate the provisions of the mitigation plan as conditions of the permit.

2 If any portion of the parcel to be developed includes areas mapped by the Maine Department of Inland Fisheries and Wildlife as Deer Wintering Areas, the applicant shall consult with the Department or a qualified wildlife biologist on means to limit the impact of the development on the habitat and incorporate those recommendations into the plan insofar as practicable.

3 If any portion of the development contains a wetland as identified by the Town of Litchfield, The Maine Department of Environmental Protection or listed on the most recent map edition of the National Wetland Inventory Maps, the applicant shall avoid, minimize, or mitigate impacts on the wetland both during and after construction. The applicant shall comply with all applicable state and federal regulations.

K Erosion Control

1 All soil disturbances must be conducted in a manner which avoids sediment leaving the property. Development must employ erosion control best management practices. Temporary and permanent erosion control measures shall be selected for the development according to the " Maine Erosion and Sediment Control BMPs (DEPL W0588)", published by the Maine DEP, March 2003, or latest revision and the provisions of this section.

2 All development within the Rural, Village and Planned Development Districts shall develop a written erosion control plan unless the Code Enforcement Officer certifies in writing that the nature of the site and the proposed development poses very little risk of erosion.

3 The Code Enforcement Officer may based upon site conditions and the nature and extent of the construction establish additional erosion control requirements which shall be listed on the permit.

4 All temporary erosion control measures shall be installed prior to any digging, soil removal, stripping of vegetation, or soil disturbance. The measures may be installed in phases to match the construction schedule.

5 Additional measures shall be installed by the applicant in order to address the failure or limited effectiveness of any measure previously installed.

L Storm Water Control

1 All new construction and development shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff. All systems shall be designed so as to have no significant adverse effect on neighboring properties, downstream water quality, soil stability, or public drainage systems. Where possible, existing natural features such as berms, swales, terraces, and wooded areas shall be retained in order to control runoff and encourage infiltration of storm water.

2 The following stormwater standards shall apply to development that exceeds 5,000 square feet of impervious area. Agricultural activities and single and duplex residential dwellings are not required to meet these standards.

Section 8 (continued)

(A) A storm water control plan shall be developed to limit peak discharge from the site to predevelopment levels. The applicant must demonstrate the surface runoff will be minimized and detained on site to the extent practicable. Where natural

features are insufficient to adequately control stormwater runoff, applicants are encouraged to consider and utilize measures described in Stormwater Management for Maine (DEPL W0738), Vol. III-BMP Technical Design Manual (Maine DEP, 2006), or as revised.

(B) Stormwater systems shall be maintained as necessary.

M Phosphorus Control

1 The following standards shall apply to all development that exceeds 5,000 square feet of impervious surface and is within the direct watershed of a Great Pond and Carter Pond. (Great Pond is defined in the Shoreland Zoning Ordinance) Agricultural and single family residential dwellings are not required to meet these standards.

(A) A phosphorus control plan describing the generation and control of phosphorus as a result of the proposed developments shall be prepared in accordance with the manual "Stormwater Management for Maine (DEPL W0738), Vol. II – Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP, 2008) with the exception of chapter 6, or as revised..

N Noise

1 The following standards shall apply to all commercial uses over 3,000 square feet, industrial uses, mineral extraction operations junkyards, wind turbines, and commercial outdoor recreation facilities. Any land use activity not listed such as agricultural, home occupations, resource production activities, and cottage industry are not required to meet these standards.

2 The maximum permissible sound pressure level of any continuous regular, or frequent source of sound produced by any activity shall be limited by the time period and receiving district listed below:

Sound Pressure Level Limits (measured in dB)

| | 8:00 p.m. - 6 :30a. m. |
|---|---|
| Planned Development District | 55 |
| All other Districts | 50 |

3 The levels specified may be exceeded by 10 dB for no more than 15 minutes per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI SI.4-1961) "Specification for General Purpose Sound Level Meters ". Sound levels shall be measured at least 4 feet above the ground at the property boundary.

4 The following activities shall be exempt from these standards:

(A) Sounds emanating from construction and maintenance activities.

(B) Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices.

O Signs

1 This sign standard shall apply to all commercial, industrial, retail, and institutional and governmental uses. It shall not apply to directional signs as authorized by the State Department of Transportation or for signs relating to farm stands.

2 The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features will not detract from the design of proposed buildings and structures and the surrounding properties through conformance with the following standards:

(A) No sign shall be located in or extend over, the road right-of-way, nor shall any sign reduce or obstruct traffic visibility or present a safety hazard.

Section 8 (continued)

(B) All signs shall comply with State Law and Regulations.

(C) All exterior signs attached to a building or a structure shall not exceed the height of the building or structure. No portion of any sign on a building or structure shall extend more than 35 feet as measured from the ground level immediately below the sign.

Freestanding signs and freestanding sign structures shall not exceed a height of 14 feet as measured from the ground level immediately below the sign or structure.

(D) The use of any sign lawfully in existence at the time of the adoption of this Ordinance may continue although the sign does not conform to the provisions of this Ordinance. Normal maintenance and repairs are permitted. The sign shall not be enlarged or expanded in size except in conformance with this Ordinance.

(E) One freestanding sign structure shall be allowed per development. Locations which have multiple occupancies shall be limited to sharing the freestanding sign structure.

(F) In addition to (E) above, each business is allowed one freestanding sign not to exceed (8)
square feet of sign area.

P Fire Protection

The development shall be designed so that the Town of Litchfield Fire Department shall have unrestricted access to all developed areas and adequate provisions are made for a supply of water for fire suppression. The applicant shall obtain a signed form (provided by the town) from the Fire Chief indicating that the fire protection measures proposed for the development have been reviewed. This statement shall be submitted with the preliminary plan application. The Fire Chief in making his/her review of the proposed fire protection measures shall consider the following:

a. The road is adequate for the passage of fire equipment.

b. An adequate water supply is available near or within the development to serve the density of the development.

c. The Fire Chief shall review the fire protection measures proposed for the development and may make suggestions for water holding features, such as but not limited to a fire pond(s), and for roads over 1000 feet in length a water holding tank or tanks installed per Litchfield Fire Department specs using NFPA standards.

## SECTION 9 Performance Standards for Specific Activities

A Adult Business

1 The purpose of this section is to permit the establishment of adult businesses, as defined, in such manner and location as will protect the general welfare and preserve the community standard.

(A) In districts where they are permitted, adult businesses shall not be located within 1000 feet of a residential, educational, or religious use, nor within 1000 feet of a day care facility, recreational area or any other adult business.

1 Measurement shall be made from the edge of the developments.

(B) Minimum front setback of the development shall be 200 feet.

(C) Adult Businesses shall be screened from view from the road and development in all directions. Screening shall be sufficient to block the view of the business.

(D) In addition to the sign requirements contained in this ordinance, signs for adult

businesses shall not depict the human figure in any unclothed, degrading, or suggestive manner. No sexually explicit message, materials, or activity shall be visible outside the building.

(E) Notwithstanding any other provision in this ordinance, movies rated G, PG, PG-13, or R, by the Motion Picture Association of America (MPAA), or live theatrical performances with serious artistic, social, or political value, that depict or describe specified anatomical areas or specified sexual activities, are expressly exempted from regulation under this ordinance.

Section 9 (continued)

B Overnight Accommodations

1 Hotels, motels, rental cottages (3 or more) and inns designed and constructed for transit and temporary occupancy (except for bed and breakfast) are subject to the following requirements:

(A) Each rental unit shall contain not less than 200 square feet of habitable floor area. Each rental unit shall include a private bath.

(B) For each building or lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.

(C) A landscape plan shall be submitted with the permit application that contains at a minimum a green space along the front lot line and any portion of the side and rear lot lines that are adjacent to a residential property.

(D) Facilities that cater to truckers shall contain adequate parking areas for trucks that are separate from automobile parking.

(E) Any overnight accommodation unit that contains a self-contained kitchen and toilet facilities or otherwise designated as housekeeping units are considered to be dwelling units and shall meet the applicable requirements of this Ordinance.

(F) Overnight accommodations that would meet the definition of a subdivision shall be reviewed by the Planning Board under this Ordinance.

(G) Facilities shall conform to all State regulations.

C Bed and Breakfast

1 Bed and breakfast facilities shall comply with these standards:

(A) Each rental room shall have a minimum of 120 square feet.

(B) Each rental room shall be equipped with an approved, hard-wired smoke and carbon monoxide detector.

(C) There shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.

D Telecommunication Facilities

1 Consideration shall be given to serving new communication service demands by use of existing towers through co-location whenever feasible. Applicants for new facilities shall state why location on an existing tower is not feasible.

2 New towers shall be designed in such a way to facilitate co-location, and be restricted to a maximum height of 150 feet.

3 All facilities shall comply with all applicable state and federal regulations. The applicant shall provide documentation that all applicable state and federal regulations can be met.

4 Towers shall be setback from the property line a minimum horizontal distance equivalent to the height of the tower plus 10 feet. The applicant may provide evidence that land within the setback area will not be developed which shall be deemed to comply with the

setback requirements.

5 New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable.

6 All towers and facilities must comply with structural standards established by the Electronic Industries Association/Telecommunication Industries Association. Compliance with these standards shall be certified by a registered professional engineer.

7 Any communication tower that is unused or out of service for a period of 18 continuous months shall be considered abandoned and shall be removed as soon as practicable.

8 The Planning Board shall require, at the time of application for a new telecommunication facility, that the applicant supply a performance bond or other acceptable form of surety, acceptable to the Board of Selectman, to cover the future cost of removing the tower after it ceases operation.

9 The telecommunication facility shall be fenced to discourage trespass.

Section 9 (continued)

10 Existing towers over 150 feet, as of June 12, 2004 shall not be extended beyond their current height

11 Existing unlighted towers and any newly constructed towers shall remain unlighted.

E Accessory Housing Units

1 Owners of single family residential dwellings may add a single accessory housing unit regardless of the lot size and density of the district, provided that they meet the requirements of this section. Units which do not meet these requirements will be considered separate dwellings and shall meet the use and dimensional requirements of the district in which they are located.

(A) The units would be created in an owner -occupied single family residential dwelling or an attached garage. The additional unit would be located within the existing building envelope and not be clearly identifiable in the exterior profile of the building.

(B) The floor area of the accessory unit would be no more than 600 square feet or 30% of the gross floor area of the principal living unit whichever is less.

(C) Accessory units are intended for rental or gratis occupancy. Under no circumstances will the unit be deeded separately or converted into condominium ownership.

F Multi-Family Residential

1 Multi-family residential shall be reviewed under the provisions of this Ordinance and is not required to undergo subdivision application review. (Note: More than two Multi-family residential buildings in the same complex will require additional review under the Subdivision Ordinance.) Multi-family residential shall meet the following standards:

(A) Evidence shall be provided to show that the wastewater disposal system will be available to supply the needs of the project, according to applicable State regulations.

(B) Evidence shall be provided to show that a source of potable water is available to serve the project.

(C) Evidence shall be provided from the State of Maine Fire Marshall Office that the project meets all applicable State regulations including but not limited to the Life Safety Code.

(D) Multi-family residential housing shall conform to the following dimensional requirements:

(1) The applicable dimensional requirements for the district in which the

project is located shall be met for the first unit and the following:

- Each unit, including the first unit, of multi-family residential complex shall increase the lot size by an additional 25% of the first unit.
- Each additional unit above 4 shall increase the minimum road frontage by an additional 10%.

(E) A covered structure or a covered trash container shall be provided. It shall be screened from view from the road and side and rear property lines.

(F) Parking areas and any accessory structures including trash containers shall not be located within the front setback area.

G Cottage Industries

1 Cottage Industries is a use that may include retail, office, service, commercial or industrial. It is a use that is of a size and intensity to be considered low impact and can also meet the following provisions.

(A) Each cottage industry shall be considered a principal use and must meet the applicable dimensional requirements for the district in which it is located. A cottage industry use that is located on a farmstead consisting of the farm home site or one or more agricultural buildings is exempt from meeting the road frontage requirements.

(B) The total number of employees shall not exceed eight.

Section 9 (continued)

(C) The total square footage of all structures (based upon ground floor area) shall not exceed 3,000 square feet. The re-use of an existing structure, regardless of size, may be used as long as all the other provisions of this section are met. (An existing structure must have existed prior to the adoption of this Ordinance).

(D) The structures and any outside areas including parking and storage shall not exceed 10% of the lot.

(E) All outside storage, processing and parking areas shall be screened to the maximum practical extent from the view of adjacent property lines.

(F) The use shall comply with all the other applicable provisions of this Ordinance.

(G) The following activities would not be eligible as a cottage industry; junkyards, adult businesses, and oil or fuel storage facilities.

H Home Occupations

1 The purpose of this section is to permit home occupations within the Town without changing the essential overall residential character of the dwelling unit and the neighborhood in which it is located. The home occupation shall be incidental and secondary to the use of the dwelling as a residence and can be carried on by a member of the family permanently residing in the dwelling. A home occupation may be any occupation or profession which can be carried on within the home and meet the following standards.

2 In order to protect residential and/or rural character of the community, home occupations shall meet the following requirements:

(A) The home occupation shall be carried on wholly within the principal building or

within a building or other structure accessory to it.

(B) No more than one person outside the immediate family residing in the dwelling shall be employed in the home occupation.

(C) A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips per day.

(D) Any vehicle used for the regular delivery of goods to the home occupation shall be limited to the hours of 7 a.m. and 7 p.m.

(E) There shall be no exterior display, no exterior sign, except as permitted in this section. No exterior storage of material and no exterior indications of the home occupation or variation from the residential character of the dwelling.

(F) The residential appearance of the property shall be maintained.

(G) The sales of products shall be limited to those which are crafted, assembled or substantially altered directly on the premises and to items which are accessory and incidental to a service which is provided.

(H) Any parking for customers and employees shall be off-street

(I) One sign that does not exceed 16 square feet in area is permitted. The sign shall not be internally lighted.

(J) Home occupations which include building trades, transportation services, or similar fields which involve work or services performed away from the dwelling are allowed under these conditions:

(1) The dwelling is used primarily as an office.

(2) No more than one person outside of the immediate family residing in the dwelling is directly employed within the dwelling.

(3) More than one outside employee is permitted provided that they work away from the premises.

Section 9 (continued)

(4) The premises are used to store or park no more than 2 vehicles or construction equipment for employees who work off premises.

(K) The following uses are prohibited as home occupations: welding shops, machine shops, auto body repair, vehicle repair or service, vehicle sales, engine or motor repair or service.

(L) Any use that cannot qualify as a home occupation may be permitted as another land use activity. The Table of Land Uses contained in this Ordinance should be consulted.

(M) For Veterinary services there shall be no onsite treatment of animals.

I Mobile Homes

1 All mobile homes shall be installed according to the "Manufactured Home Installation Standard" developed by the State of Maine Manufactured Housing Board, as most recently amended.

2 All units shall be a minimum of 14 feet in width.

3 All units shall comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Units constructed prior to enactment of these standards shall be made to conform to the standard. The applicant shall provide a written statement from a professional engineer licensed in the State of Maine indicating that the mobile home has been upgraded and is in full compliance with the standard.

J Mobile Home Parks

1 All mobile home parks shall meet the following standards:

(A) All roads shall comply with the Town of Litchfield Road Ordinance.

(B) All land within a park shall remain in a unified ownership and the fee to the lots or portions of lots shall not be transferred.

(C) No dwelling unit other than manufactured housing shall be located within the park.

(D) Each mobile home park owner shall establish regulations governing the conduct of the internal affairs of the park.

(E) Mobile home parks are considered subdivisions and shall be reviewed according to the provisions of the Subdivision Ordinance.

(F) No mobile home park approved under these standards may be converted to another use without approval of the Planning Board, and meeting the appropriate dimensional requirements of this ordinance.

(G) Individual mobile homes within the park shall be setback a minimum of 20 feet from the lot line.

(H) Mobile homes shall be setback a minimum of 50 feet from the park boundary lines.

(I) Each mobile home park shall have a buffer strip of at least 50 feet wide around the perimeter of the park. No structures, roads or utilities may be placed in the strip except that roads and utilities may cross the strip to serve the park. A 25 feet wide area of the buffer shall have a natural or man-made screen capable of providing a visual barrier of 8 feet in height between the park and neighboring properties.

(J) Mobile home parks located within a shoreland zone shall meet the appropriate dimensional requirement for the zone district in which it is located.

(K) Lots served by individual subsurface wastewater disposal systems shall have at least 30,000 square feet and a lot width of 100 feet.

(L) Lots served by a central or cluster subsurface wastewater disposal system shall have a lot size of at least 12,000 square feet and a lot width of 75 feet. The Overall Density of the park shall not exceed one unit per 20,000 square feet of the total park area.

(M) Each mobile home park lot shall be marked with a lot number.

(N) Existing mobile home parks may be expanded in the district in which they are located subject to the requirements of this section.

(O) A recreation area consisting of a park and/or playground shall be built and maintained for the use of the residents of the mobile home park.

Section 9 (continued)

1 There shall be 200 feet of recreation area for every mobile home in the park.

2 Existing parks that expand shall create a recreation area as in 1 above for the entire park including for what existed before the adoption of this ordinance.

K Junkyards

1 All automobile graveyards, automobile recycling businesses and junkyards shall be licensed in accordance with Title 30-A MRSA Sections 3751 through 3760.

2 The area used for the facility shall be setback a minimum of 100 feet of any property line.

3 A buffer consisting of vegetation, fences, berms, or any combination thereof shall be installed along all property lines and shall be capable of providing a year-round screen to a minimum height of 8 feet or to the height necessary to block the view of any materials, whichever is higher.

4 All facilities shall conform to all the applicable provisions of State law and regulations.

5 Each facility shall also obtain a permit from the Board of Selectmen as required by State Law.

L Mineral Extraction

1 All new mineral extraction activities and the expansion of any existing site shall comply with the applicable requirements of Title38, MRSA Sections 490A through 490M as most recently amended and shall meet the following standards.

(A) The hours of operation may be limited by the Planning Board in order to ensure compatibility with the surrounding area.

(B) No mud, soils or other debris shall be allowed to accumulate on a public road from transporting vehicles.

(C) No equipment, debris, junk or other materials shall be permitted in the excavation site except those directly related to active extraction operations.

(D) A reclamation plan shall be submitted at the time of application, showing that within 12 months, following the completion of extraction operations at the site ground levels and grades shall be established so that if natural storm drainage and water courses leave the site, they do so at pre-development volumes and locations. All debris, stumps, boulders and similar materials may be removed and disposed of on the property in an approved location, or, in the case of inorganic material, buried and covered with a minimum of 2 feet of soil. Only materials generated on-site may be buried or covered.

(E) Excavation shall not extend closer than 100 feet to a public right-of-way or 75 feet of the property line. Excavation areas may extend into a property line if a suitable easement between property owners is established. Natural vegetation shall be maintained within the setback area. The excavation shall be setback a minimum of 100 feet from the normal high water line of a Great Pond or river and 75 feet from a wetland or stream.

2 Existing extraction operations in lawful existence as of the effective date of this Ordinance shall within 24 months of the effective date of this Ordinance:

- Submit to the Code Enforcement Officer a map of the mineral extraction site indicating the existing boundaries.
- The size of mineral extraction area.

Mineral extraction operations that fail to comply with this section will no longer be in lawful existence.

M Wind Turbines and Meteorological Towers

1. Wind Turbines shall be used to produce electrical power primarily for on-site consumption.
2. Wind Turbine Height shall not exceed 150 feet.
3. Wind Turbines shall be set back from property lines a minimum distance equivalent to the Wind Turbine Height plus 10 feet.

Section 9 (continued)

4. Wind Turbine guy wires and anchors shall not be located in the setbacks of the Dimensional Requirement Table for the district they are located in.
5. Wind Turbines shall be a non-reflective, neutral color unless otherwise required by the Federal Aviation Administration.
6. Any Wind Turbine that is unused or out of service for a period of 18 continuous months shall be considered abandoned and shall be removed as soon as practicable.

7. Existing unlighted towers and any newly constructed towers shall remain unlighted.
8. Manufacturing specifications of and audible noise from Wind Turbines shall not exceed noise limits in Section 8.N of the Ordinance except during short term events such as severe windstorms.
9. Meteorological Towers shall require the same application procedures and applicable standards as Wind Turbines.

N Strip Mall Development

1 Strip Mall Development shall be reviewed under the provisions of this Ordinance and are not required to undergo subdivision application review. Strip Mall Development shall meet the following standards:

(A) Evidence shall be provided to show that the wastewater disposal system will be available to supply the needs of the project, according to applicable State regulations.

(B) Evidence shall be provided to show that a source of potable water is available to serve the project.

(C) Evidence shall be provided from the State of Maine Fire Marshall Office that the project meets all applicable State regulations including but not limited to the Life Safety Code.

(D) Strip Mall Development shall conform to the following dimensional requirements:

(1) The applicable dimensional requirements for the district in which the project is located shall be met.

(2) The minimum lot size for the district the Strip Mall Development is in shall be increased by 25% for every 1000 feet of floor area.

(E) A covered structure or a covered trash container shall be provided. It shall be screened from view from the road and side and rear property lines.

(F) Parking areas and any accessory structures including trash containers shall not be located within the front setback area.

O Vehicle Sales and Service

1 Vehicle Sales and Service establishments shall meet the following standards:

(A) For Districts other than the Planned Development District:

(1) The total gross floor area of all buildings shall not exceed 3,000 square feet; and

(2) The total impervious surface of the development shall not exceed 10,000 square feet.

(B) The developed area shall have screening to the maximum practical extent sufficient to minimize its impact on adjoining residential or undeveloped properties.

(C) At the time of application, the applicant shall provide a list of hazardous, flammable, or toxic chemicals to be produced, used, or stored on the site, together with a plan for emergency containment and cleanup of such chemicals. The Planning Board can require a plan prepared by a qualified waste remediation professional.

## SECTION 10 Road Access, Traffic and Parking Standards

A General Requirements

1 All driveways, common driveways, lanes, private roads and public roads shall conform to the requirements of the Town of Litchfield Road Ordinance.

2 All driveway entrances are required to obtain a driveway entrance permit as specified in the Town of Litchfield Road Ordinance.

B Access to Public Streets

These standards shall apply to all lanes, private roads, public roads, and driveways or access ways that serve commercial, industrial, and other similar non-residential activities. Driveways and common driveways serving residential dwellings are exempt from these standards.

1 General Provisions

(A) The number of access points shall be the minimum necessary to ensure safe and proper vehicular access to the site. A limit of two access points onto a single road shall be permitted unless a traffic study for the site recommends additional access points. If more than one road provides access to the site the access point from the activity shall be located on the road with less potential for congestion and traffic hazard.

(B) The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have sufficient and safe traffic carrying capacity or be suitably improved to accommodate the amount and type of traffic to be generated by the proposed use. Traffic improvements required to accommodate the site shall be the responsibility of the developer.

(C) Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within public streets. All such installations shall conform to standards in the "Manual on Uniform Traffic Control Devices" published by the American Traffic Safety Services Association.

(D) A traffic study shall be required as follows: when in any one hour period traffic attributable to the development equals or exceeds 35 trips at the project driveway, or when in the opinion of the Planning Board, a traffic safety or road capacity deficiency exist in the vicinity of the development.

(E) Access points shall be designed and have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter from the street.

(F) The developer shall plan or install interconnections with adjoining properties where such links will serve to reduce demand for vehicular movement on public roads.

(G) Interconnections for new uses over existing uses may be approved without a new review of the existing use when the combined vehicle trips do not change traffic volume as in Section 10 (B)(2) and there is documentation of the applicant's right, title or interest in the connection.

(H) In order to provide adequate visibility, all access points shall be kept free from visual obstructions, including signs, higher than 3 feet above street level within a triangular area defined by legs of 25 feet measured along the driveway and street lines.

2 Location and Design of Access Points

(A) All access points shall be designed and located to provide minimum sight distance of 10 feet for each mile per hour of posted speed limit in both directions. Sight distance shall be measured from a point 10 feet behind the edge of the traveled way, with the height of the eye at 3.5 feet to the top of an object 4.5 feet above the pavement.

(B) Access points shall be designed and constructed to a standard consistent with their estimated volume as follows:

- Low Volume: peak hour volume of 10 or fewer vehicles.
- Medium Volume: any access that is not a low volume or high volume.
- High Volume: peak hour volume of 400 or more vehicles.

(C) All access points shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

(D) The curb radius for two-way access points shall be between 10 feet and 20 feet, except that high volume access points serving a significant percentage of trucks may provide curb radius up to 50 feet. The curb radius for one-way access points or access points with a median island shall be between 5 and 10 feet on the inside corner and 30 feet on the outside.

(E) The width of a low volume driveway may be no more than 20 feet. The width of a medium or high volume driveway may be between 20 and 26 feet; for a driveway with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 30 feet. The width of individual " right turn only" channels may be no more than 20 feet.

(F) From the edge of the traveled way, the access point should not exceed a grade of 2 % for a minimum distance of 75 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.

(G) A median island is required for high volume access points and may be required for medium volume access points at the discretion of the Planning Board. Median islands shall be between 6 feet and 10 feet in width and shall define a throat length of adequate dimensions based on the traffic study, but in no case less than 60 feet.

(H) No low or medium volume access point shall be located within 50 feet of any street intersection, nor within 150 feet of an intersection controlled by a traffic signal. No high volume access point shall be within 250 feet of any intersection. Distance shall be measured from the point of tangency for the intersection curb radius to the point of tangency for the access radius.

The minimum separation distance between two low volume access points or a low and a medium volume access point is 50 feet. The minimum separation distance between two medium access points or a high and a medium volume access point is 75 feet. The minimum separation distance between two high volume access points is 150 feet. No access point shall be located within 10 feet of a property line, unless it serves as a shared or common driveway.

(I) All portions of an access point within the right-of-way of the public street shall be paved with a bituminous concrete pavement. The paving shall meet the requirements for a public road as specified in the Town of Litchfield Road Ordinance.

C Parking Requirements

The parking requirements shall apply to all land uses except for single family residential and agricultural activities. All new land uses and expansions of existing activities shall provide the necessary parking so that no vehicles will need to park on the street.

1 Access Restrictions

(A) Parking areas with more than two spaces shall be arranged so that it is not necessary for vehicles to back into the street.

(B) Vehicle access points shall conform to the requirements of section B above.

(C) All parking areas and aisles shall be set-back at least 5 feet for any side or rear lot line, unless more is required for buffer yards.

(D) Required parking shall not be located within right-of-way of the public street.

2 Interior Vehicular Circulation

(A) Interior travel lanes should be designed to allow continuous and uninterrupted traffic movement, with particular reference to the necessity of avoiding slowing vehicles on the public road.

(B) Interior travel lanes shall be designed so that circulation patterns in the parking area will provide for the safe and efficient flow of traffic and minimize driving movements across parking isles.

(C) Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

3 Parking Stalls and Aisles

(A) Parking stalls shall be a minimum of 9 feet wide by 18 feet in length. Handicap spaces shall be provided in accordance with applicable State and Federal requirements.

(B) In paved parking areas painted strips shall be used to delineate parking stalls and travel lanes.

(C) Two-way aisles shall be a minimum of 22 feet in width. One-way aisles shall be a minimum of 18 feet in width.

(D) Parking areas serving more than 20 vehicles shall be paved with bituminous concrete or an equivalent surface treatment. Seasonal operations such as fairgrounds, recreational areas and similar operations shall be exempt from this requirement.

Parking Space Requirements

The following table contains parking space requirements for different uses.

| **Number of Spaces** | **Land Use Activity** |
|---|---|
| Spaces per room or dwelling unit | Place of Residence or Accommodation |
| 1/3 | Dedicated retirement home, Nursing care facility |
| 1 | Hotel, Motel, Bed & breakfast. |
| 2 | Multi-family residential dwelling |
| | |
| Spaces per seat based on max. seating capacity | Places of Public Assembly |
| ¼ | Theater with fixed seating |
| 1/3 | Church |
| ½ | Restaurant, meeting hall, grange, bottle club |
| | |
| Spaces per 1,000 square feet of gross floor area | Places of Commerce and Industry |
| 1 | Warehousing, sales of motor vehicles |
| 1 ½ | Industrial and manufacturing facility |
| 3 | Grocery store over 5,000 square feet, offices. professional and personal services, except as noted. |
| 4 | Retail sales except as noted |
| 5 | Banks, medical and dental offices, fitness clubs, child care |
| 8 | Strip Mall Development |
| | |
| Spaces per 1,000 square feet of gross floor area | Public and Institutional Facilities |
| 2 | Elementary schools |
| 4 | Secondary schools, library. museum, municipal office. Hospital |
| | |
| Spaces as specified | Miscellaneous |
| 1 per 1,000 sq. feet | Indoor sports facility, No spectators |
| 1 per 4 seats | Stadiums, arenas other spectator sport activities |
| 30 per acre | Mini-golf, go-carts and other outdoor amusements |

(A) Parking spaces for uses not shown in the table shall be based upon a similar type of use illustrated in the table.

(B) The required number of parking spaces shall be provided on the same lot as the land use activity unless the parking area is located on an adjacent lot located no more than 200 feet from the principal structure.

(C) Parking areas should not contain more than 25 % more of the required parking established for the use.

(D) Mixed use buildings shall have the required number of spaces to meet each use unless the property owner can show a difference in parking demand based upon time of day.

(E) Areas for loading and unloading of goods shall be provided as necessary. Loading areas shall not reduce the safe and efficient flow of traffic in the parking lot and shall not be located in the front setback area.

5 Screening Requirements

Parking areas for commercial and industrial uses shall meet the following screening requirements.

(A) The area adjacent to the road right-of-way shall contain a buffer between the parking area and the front property line. The buffer shall consist of a vegetative strip except for necessary driveway crossings.
The buffer width shall be: 20 feet within the Rural District; 10 feet within the Planned Development District; and, 5 feet within the Village District.
The vegetative strip shall consist of ground cover, trees, shrubs, fences, berms or any combination thereof that will provide a barrier of not less than 3 feet in height. Vegetation should comply with the 3 foot height requirement within 3 years of planting.

## Section 11 DEFINITIONS

**Construction of Language**

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have their ordinarily accepted meaning, except to the extent that another meaning is clearly implied by their context in this ordinance. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table the text shall control.

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. The words "he" "she" or "they" when used shall refer to the person or persons so designated regardless of gender.

If clearly implied by the context in which they appear, the present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

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

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

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

## Section 11 (continued)

**Definitions**

**Abutter** - The owner of any property with one or more common boundaries, or across the road, stream from the property involved in the application.

**Accessory Housing Unit** - A dwelling unit that is allowed to be added to a single family residential dwelling according to specific standards contained in this Ordinance.

**Access Points** - An access point is the point of contact between the public street system and the vehicular circulation system of a development or a subdivision. An access point is classified low, medium, or high based upon the average number of vehicles expected to use it in a day. It is also called a curb cut or a driveway entrance.

**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.

**Adult Arcade / On-Site Video Screening Establishment** - Any place to which the public is permitted or invited wherein coinoperated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or

describing of "specified sexual activities" or "specified anatomical areas."

**Adult Book Store -** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

**a.** books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas;" or

**b.** instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

A principal business purpose exists if materials offered for sale or rental depicting or describing "specified sexual activities" or "specified anatomical areas" occupy 10% or more of total floor space. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as Adult Book Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Book Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas."

**Adult Business -** Any operation of adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult cabaret, adult entertainment nightclubs or bars, establishments featuring strippers or erotic dancers, escort agencies or other sexually oriented businesses.

Section 11 (continued)

**Adult Cabaret / Adult Entertainment Nightclub or Bar -** A nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:

**a.** persons who appear in a state of nudity or semi-nudity; or

**b.** live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

**c.** films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

**d.** persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**Adult Motion Picture Theater -** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

**Adult Novelty Store / Adult Amusement Store / Adult Video Store** – Means the same as Adult Bookstore.

**Adult Theater -** A theater, concert hall, auditorium, or similar commercial establishment that

regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

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

**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.

**Airport -** Any area designated and set aside for the landing and take-off of aircraft including all necessary facilities for the housing and maintenance of aircraft.

**Alteration -** Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

**Automobile Graveyard and Junkyard-** A yard, field, or other area used as a place of storage for three or more unserviceable, discarded, worn-out or junked motor vehicles as defined in Title 29-A MRSA Section 101, subsection 42, or parts of such vehicles; Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture; discarded, scrap, junked lumber; or old or scrap copper, brass, rope, rags, paper, trash, rubber debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous material.
Automobile graveyard does not include any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable, Temporary storage shall not exceed 90 days.
Automobile graveyard includes an area used for automobile dismantling, salvage and recycling operations.

Section 11 (continued)

**Automobile recycling business -** The business premise of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan in Title 30-A MRSA Section 3755-A subsection 1, paragraph C is used for automobile recycling operations.

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

**Bed and Breakfast -** A house or portion thereof, providing short-term lodging, where meals are provided only to overnight guests, and where the proprietors live on the premises.

**Boarding/Group Facility -** A residential structure where lodging or lodging and meals are

provided for compensation for a period of at least 2 weeks. Common areas are provided for cooking and recreational activities. This use does not include hospital and care facilities which offer medical care or supervision.

**Bulk Fuel Oil Storage /Facility** - Structures, buildings and fuel storage facilities designed for the storage of oil and gas for re-sale to retail fuel distributors.

**Building** - Any structure having a roof supported by columns, walls, or other framework intended for the housing or enclosure or persons, animals, or personal property.

**Building / Structure Height -** The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires, towers, or similar auxiliary structures.

**Business Service and Office** - The place of business used primarily as an office such as a doctor office, real estate office and similar activities it also includes an activity in which the principal source of income is the provision of labor for compensation and shall include by example: barber shop, beauty salon, printing and banks. The term excludes vehicle sales and service and retail which shall be considered a commercial use.

**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.

**Cemetery -** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Church** - A building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services.

**Code Enforcement Officer** - A person or persons appointed by the Litchfield Board of Selectmen to administer and enforce this Ordinance. Reference to the Code Enforcement Officer is intended to include references to the Building Inspector or Plumbing Inspector according to the State certification held by the appointed person.

**Commercial Small** - A retail, service, or office use or any combination thereof that consist of less than 3,000 square feet of floor area, and which is not otherwise defined by another land use category in the Land Use Table.

Section 11 (continued)

**Commercial Large** - A retail, service or office use or any combination thereof that consist of more than 3,000 square feet of floor area and which is not otherwise defined by another land use category in the Land Use Table.

**Commercial/ Rural Resource Industry** - The processing, cutting and finishing of raw logs into finished products, or the manufacturing, handling, treatment, or packing of crops, livestock, or dairy products produced or raised on farms; excluding rendering plants, fertilizer manufacturing plants, and similar operations, but including related activities such as storage and sales.

**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.

**Communication /Telecommunication Facility** -A structure on which commercial transmitting and/or receiving antenna are located.

**Telecommunications Tower-**Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

**Community/Civic/Club Facility** - Includes public community centers, Litchfield Fair Grounds, and facilities operated by social, religious, benevolent, or academic groups and organizations which are usually open to members and guests.

**Community Living Facility -** A state approved, authorized, certified, or licensed housing facility for no more than 8 persons.

**Cottage Industry -** A commercial use of low intensity that is subject to specific standards contained in the Ordinance.

**Day Care Facility** - Any establishment, including a private residence, where 3 or more children are cared for, (exclusive of any children who may be living in the home which is serving as the day care facility,) in return for compensation.

**Development** - Any man-made changes to improved or unimproved real estate including, but not limited to: buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

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

**Direct Watershed of a Pond** - That portion of the watershed which drains directly to the pond through sheet or concentrated flow without first passing through an upstream pond or river.

Section 11 (continued)

**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 other than a lane or a road. that provides access to a building, structure or parking area.

**Dwelling -** A room or group of rooms designed and equipped exclusively for as use as a permanent, seasonal, or temporary living quarters. The term shall include mobile homes but not recreational vehicles.

Single Family Residential Dwelling: A building containing only one dwelling unit. It may also include the addition of one accessory housing unit.
Duplex Residential Dwelling: A building containing 2 dwelling units.

**Dwelling Unit** - A room or suite of rooms which contains independent living, cooking, sleeping, bathing and sanitary facilities designed for use a single household unit.

**Eating or Drinking Establishment** - An establishment where food and/or beverages are prepared and served to the general public for immediate consumption in exchange for compensation. The sale or pre-packaged meal items or preparation of food intended exclusively for consumption off premises (delivery or take-out0 are considered retail sales and are not included in this definition.

**Escort** - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**Escort Agency -** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**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.

**Establishment** - Means and includes any of the following:
**a.** the opening or commencement of any adult entertainment establishment as a new business;
**b.** the conversion of an existing business, whether or not an adult entertainment establishment, to any adult entertainment establishment;
**c.** the addition of any adult entertainment establishment to any other existing adult entertainment establishment; or
**d.** the relocation of any adult entertainment establishment; or
**e.** an adult entertainment establishment or premises on which the adult entertainment establishment is located.

**Establishment Featuring Strippers or Erotic Dancers** –Means the same as Adult Cabaret.

Section 11 (continued)

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

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

**Fair 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.

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

**Farm Stand** - A booth, stall, or building located on a farm from which produce, farm products and accessory items are sold to the general public.

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

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

**Freshwater wetland/wetland** - freshwater swamps, marshes, bogs, forested wetland and similar areas which are: 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.

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

**Hospital/Care Facility** - An institution providing, but not limited to overnight health services, care for the sick or injured. surgical care and services, nursing homes or other related care facility not defined as a boarding/group facility, or a community living facility. A medical office shall be considered as a business service and office use.

**Home occupation** - an occupation or profession which is conducted in a residential structure or accessory building 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 one person other than family members residing in the home, and meets the performance standards contain in this Ordinance.

**Horse Stables -** Facilities for the boarding and care of horses including riding areas and similar activities which are commercial enterprises. Facilities that are for personal use and which are secondary to an existing agricultural operation are not included in this definition.

**Impervious Surface** - Any hard surface that is human-made and does not readily absorb or retain water. Examples include building roof, paved or graveled driveway and parking areas, sidewalks and paved recreational facilities, among others.

Section 11 (continued)

**Increase in nonconformity of a structure -** Any change in a structure or property which causes further deviation from the dimensional standards 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 steams 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 or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Indoor Recreation -** A recreation facility designed and equipped for the conduct of sports, leisure time activities, performances and other customary recreation activities which take place indoors.

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

**Level of Service -** A term used by traffic engineers, indicating a scale of "A" to "F" measuring the volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of service "E" or "F" describe road situations with severe problems attributable to traffic congestion.

**Manufacturing -** The making of goods and articles by hand or machinery. manufacturing shall include assembling, fabricating, finishing. packaging or processing operations. A manufacturing activity includes warehousing, power generation, waste disposal and other functions directly associated with the activity.

**Meteorological Tower** – A structure that includes a tower, equipment booms, base plate, anchors, guy wires, and weather instrumentation and is designed to gather wind resource data.

**Minimum lot width -** the closest distance between the side lot lines of a lot.

**Minimum lot size** – The area within the property lines of a lot minus road Right of Ways crossing the lot.

**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.

**Mobile Home -** A structure transported to a building site on a permanent chassis, to be used as a dwelling when connected to the required utilities.

**Mobile Home Park -** Means a parcel of land under unified ownership approved by the Town for the placement of 3 or more mobile homes.

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

**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.

Section 11 (continued)

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

**Non-conforming use** - use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Nudity or a state of nudity** - The appearance of a human anus, pubic area, male genitals, or female genitals with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

**Outdoor Recreation** - A public recreation facility, operated for income producing purposes and intended for the conduct of sports and other recreational activities which take place predominately outdoors.

**Overnight Accommodation** - A building or group of buildings in which lodging is offered to the general public for compensation. The term includes establishments referred to as hotels, motels, inns, guest houses, and 3 or more rental cottages.

**Parking Facility** - An area or structure where the parking of motor vehicles, trucks, and, trailers is the primary use.

**Parks/Playgrounds -** Non-commercially operated recreation facilities including but not limited to, playground monuments, neighborhood parks, athletic fields and similar uses.

**Passive Recreation** - Outdoor recreation activities which involve no structural or mechanical components or facilities such as hiking, fishing, hunting and snowmobile trails.

**Permit** - An official document or certificate issued by the Code Enforcement Officer, which authorizes performance of an activity or activities described in the permit application.

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

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

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

**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.

**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.

**Residential dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, and manufactured housing but not recreational vehicles.

Section 11 (continued)

**Resource Protection Activities -** Activities include hunting, fishing, forest management, wildlife management, fire protection activities, and similar activities.

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

**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.

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

**Rural Resource Industry -** (See Commercial Rural Resource Industry)

**Screening** – A visual barrier to minimize the impact on adjacent properties and roads. Walls, fencing, dense plant material, or a combination of materials can be used to achieve this intent.

**Self-Storage Facility** - A building consisting of individual, small, self-contained units that are leased or owned for the storage of business, household goods, personal items or contractor supplies. These facilities shall be considered as small commercial or large commercial uses based upon their size.

**Setback** - the nearest horizontal distance from a property line to the nearest part of a structure, parking space or other regulated object or area.

**Sexually Oriented Business** - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

**Shoreland zone** - the land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of Carter Pond; within

250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 250 feet, horizontal distance, of certain forested wetlands depicted on the Land Use Map: within 75 feet, horizontal distance, of the normal high-water line of a stream; and within 75 feet, horizontal distance, of certain flowing waters as depicted on the Land Use Map. This also applies to any structure built on, or abutting a dock, wharf, or pier, or other structure extending or located beyond the normal high-water line of a waterbody or flowing waters, or within a wetland or forested wetland.

**Sign** - An advertising message, graphic illustration, or insignia erected or inscribed for public view for the purpose of promoting the interest of the occupant of the premises or owner of the sign.

**Sign Area** - The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.

**Sign, Free Standing-** A sign placed on the ground and not attached to any building or structure.

**Sign, Free Standing Structure-** A structure supported by one or more upright poles, columns, or braces placed in the ground and not attached to any building or structure for the purpose of attaching a sign.

Section 11 (continued)

**Sketch Plan** - A plan showing in simple sketch form (scaled is preferable) the proposed layout of buildings, parking areas, driveways and other features in relation to existing site conditions and showing the general location of lot boundaries and steep slopes, wetlands, vegetative cover (trees, grassland, or other).

**Specified anatomical areas** - Means:

**a.** the human male genitals in a discernibly turgid state, even if fully and opaquely covered;

**b.** less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

**Specified sexual activities** - Means and includes any of the following:

**a.** the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;

**b.** sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

**c.** masturbation, actual or simulated; or

**d.** excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above.

**Stream** - a channel between defined banks created by the action of surface water, whether

intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined.

**Strip Mall** D**evelopment-** A development that includes a building not exceeding 5000 square feet in gross floor area that houses non-residential multiple uses that may include retail, personal services, professional services, food sales or restaurants.

**Structure -** anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes, This term excludes subsurface sewage disposal systems and roads.

**Subdivision -** As defined in Title 30-A MRSA Section 4401 and in addition, lots greater than 40 acres shall be deemed to be a lot.

**Subsurface sewage disposal system -** a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, Subchapter 1.

Section 11 (continued)

**Timber harvesting -** the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

**Traffic Study -** The study shall conform to the requirements for a traffic impact study as contained in the
"Access Management, Improving the Efficiency of Maine Arterials, A Handbook for Local Officials" published by the Maine Department of Transportation, 1994 or as revised.

**Transportation services -**A business providing transportation off premises including but not limited to: trailer freight trucks, local delivery or sales trucks, service trucks, passenger vans or busses.

**Vegetation** - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ feet above ground level.

**Vehicle Sales and Service** - A business establishment engaged in general repair of engines, parts service or rebuilding, specialized repair or service, sales or maintenance of vehicles which include automobiles, trucks, farm equipment, boats, recreational vehicles, mobile homes, snowmobiles, ATV's, small engines and any similar type of motorized apparatus or equipment.

**Vehicle Trip per Day-** Refers to the number of vehicles generated by a unit of land use per day. A trip is the one way movement from origin to destination. Each trip has two trip ends. The trips generated by land uses are found in the "Institute of Transportation Engineers, Manual of Trip Generation.

**Veterinary Services** - A building or structure used for the diagnose, care and treatment of ailing or injured animals which may include overnight stays.

**Warehouse -** A building used primarily for the storage of goods and materials and which may include freight and shipping facilities. Self-storage units are defined as a commercial use under this Ordinance.

**Water body** - any great pond, river, or stream.

**Wetland -** a freshwater wetland.

**Wind Turbine** – The blades and associated mechanical and electrical conversion components mounted on top of a supporting tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity primarily used for onsite consumption.

**Wind turbine height** – The distance measured from predevelopment ground elevations to the highest point of any Wind Turbine rotor blade measured at the highest arc of the blade.

See Appendix A District Map next page