# Town Of

# MECHANIC FALLS

## ZONING and LAND USE ORDINANCE

**Adopted by the Mechanic Falls Town Council**
**April 3, 1995**

**Updated Amendments through February 3, 2014**

# TABLE OF CONTENTS


**ARTICLE I. GENERAL PROVISIONS** 6

**Section 1. Title**
**Section 2. Authority**
**Section 3. Purpose**
**Section 4. Effective Date**
**Section 5. Applicability**
**Section 6. Relationship with other Ordinances**
**Section 7. Validity and Severability**
**Section 8. Amendments**
A. Initiation and Procedure
B. Enactment
**Section 9. Repeal of Existing Ordinances and Codes**

**ARTICLE 11. ADMINISTRATION, ENFORCEMENT AND PENALTIES** 11

**Section 1. Administering Bodies and Agencies**
A. Code Enforcement Officer
B. Building Inspector
C. Planning Board
D. Board of Appeals
**Section 2. Permits Required** 14
A. Use Permit
B. Conditional Use Permit
C. Special Exception Permit
D. Building Permit
E. Certificate of Occupancy
F. Electrical Permit
G. Plumbing Permit
H. Subsurface Waste Water Disposal Permit
I. Driveway Entrance Permit
J. Street Opening Permit
K. No Permit
**Section 3. Permit Application** 15
**Section 4. Procedures for Administering Permits** 16
A. Building or Use Permits
B. Conditional Use or Special Exception Permits
**Section 5. Application Fees** 17
**Section 6. Expiration of Permit**
**Section 7. Installation of Public Utility Service**
**Section 8. Enforcement**
A. Enforcement Procedure
B. Legal Actions
C. Penalty
D. Revocation of Permits

**ARTICLE III. DEVELOPMENT REVIEW** 20

**Section 1. Purpose**
**Section 2. Applicability**
**Section 3. Classification of Projects**
**Section 4. Waiver of Development Review for Non-Intensification**
**Section 5. Administration** 21
A. Pre-Application Meeting

B. Application in Writing
C. Application Fees
D. Notice to Abutters
E. Independent Review and Advice
F. Public Hearing
G. Financial Guarantee
H. Conditions
I. Waiver of Performance Standards
**Section 6. Contents of Site Inventory and Environmental Assessment For Major Development Activities** 22
**Section 7. Review of Site Inventory and Environmental Assessment For Major Development Activities** 24
**Section 8. Development Review Application**
A. Copies Required
B. Map Scale
C. General Submission Information
D. Existing Conditions
E. Proposed Development Activity
F. Applications for Major Developments
G. Applications for Special Exception Permits
**Section 9. Criteria for Review and Approval of Development Plans And Subdivisions** 28
A. Aesthetic, Cultural and Natural Values
B. Conformity with Local Ordinances and Plans
C. Erosion
D. Financial Burden to Town of Mechanic Falls
E. Financial and Technical Ability
F. Flood Areas
G. Freshwater Wetlands
H. Groundwater
I. Municipal and Solid Waste
J. Municipal Water Supply
K. Neighborhood Compatibility
L. Pollution
M. River, Stream or Brook
N. Sewer Disposal
O. Storm Water
P. Sufficient Water
Q. Traffic
R. Fire Protection
**Section 10. Performance Guarantees** 31
A. Types of Guarantees
B. Contents of Guarantee
C. Escrow Account
D. Letter of Credit
E. Performance Bond
F. Phasing of Development
G. Release of Guarantee
H. Default
I. Improvement Guarantee
**Section 11. Subdivision Plans** 33
A. Submission and Contents of a Final Plan
B. Notification of Completed Subdivision Application
C. Recording of Final Plans

**ARTICLE IV. LAND USE DISTRICTS AND REGULATIONS** **35**

**Section 1. Establishment of Districts**
A. Land Use Districts
B. Overlay Districts
**Section 2. Land Uses** 38

**TABLE 1 – TABLE OF USES** **39**

**Section 3. Space Standards and Dimensional Requirements** 43
A. General Space Standards
B. Dimensional Requirements

**TABLE 2 – DIMENSIONAL REQUIREMENTS** **47**

**Section 4. General Performance Requirements and Standards** 48
A. Agriculture in Shoreland Overlay and Resource Protection Overlay Districts
B. Buffers and Screening
C. Clearing of Vegetation for Development within the Resource Protection And Shoreland Overlay Districts
D. Emergency Vehicle Access
E. Glare
F. Height of Structures and Buildings
G. Landscaping for Commercial and Industrial Uses
H. Lot Frontage
I. Noise Abatement
J. Off-Street Parking and Loading

**TABLE 3 – PARKING DESIGN STANDARDS** **54**

**TABLE 4 – PARKING SCHEDULE** **55**

K. Bridges and Other Structures and Uses Extending Over or Beyond The Normal High Water Line of a Water Body or within a Wetland
L. Road Standards 57
M. Sanitary Standards
N. Signs 60
O. Soil and Water Protection
P. Storage of Materials
Q. Street Access and Driveways for Multi-family, Commercial, Industrial or Institutional Uses
R. Structure Elevation within the Floodplain
S. Timber Harvesting within the Shoreland Overlay District and Resource Protection Overlay District
**Section 5. Performance Requirements and Standards for Specific Activities** 68
A. Campground and Individual Private Campsites
B. Open Space Subdivision
C. Home Occupations
D. Hotels, Motels and Inns
E. Junkyards
F. Mineral Exploration and Extraction
G. Mobile Home Parks
H. Multi-Family Development
I. Subdivisions
J. Yard Sales
**Section 6. Building Code** 91
A. Minimum Construction Standards

B. Foundations
C. Exterior Finish
D. Roof Coverings
E. Chimneys
F. Wood burning Stoves and Stovepipes
G. Fireplaces
H. Electrical Installations
I. Plumbing
J. Means of Exit
K. Size of Dwelling
L. Use of Camping Trailers (RVs)
M. Manufactured Homes
N. Swimming Pool Standards
**Section 7. Rental Housing Standards** 95
A. General Provisions
B. Inspections
C. Enforcement
D. Penalties
E. Definitions
F. Minimum Standards for Structural Elements
G. Minimum Standards for Plumbing
H. Minimum Standards for Heating and Ventilation
I. Minimum Standards for Lighting and Electrical installations
J. Minimum Standards for Sanitation
K. Minimum Standards for Space and Occupancy
L. Minimum Standards for Safety
**Section 8. Accessory Dwelling Units** 107
A. Purpose
B. Creation of Accessory Dwelling Units
C. Site Plan Requirements
D. Building Requirements

**ARTICLE V. – NON-CONFORMANCE** **110**

**Section 1. Purpose**
**Section 2. General Allowance**
A. Transfer of Ownership
B. Repair and Maintenance
**Section 3. Non-Conforming Lots of Record**
A. Vacant Lots
B. Built Lots
**Section 4. Non-Conforming Structures** 111
A. Expansions
B. Expansions in the Shoreland and Resource Protection Overlay District
C. Relocation
D. Reconstruction or Replacement
E. Change of use of Non-Conforming Structure in the Shoreland and Resource Protection Overlay Districts
**Section 5. Non-Conforming Uses** 113
A. Expansions
B. Resumption Period
C. Change of Use

**ARTICLE VI. APPEALS** **114**

**Section 1. Appeals Procedure**
A. Time Limit

B. Written Notice
C. Record of Case
D. Public Hearing
E. Decision of Board of Appeals
F. Reconsideration
G. Appeal to Superior Court

**ARTICE VII. – ASSESSMENT OF IMPACT FEES 116**

**Section 1. Purpose**
**Section 2. Authority**
**Section 3. Establishment of Impact Fees**
**Section 4. Payment of Fees**
**Section 5. Use of Funds**
**Section 6. Refund of Fees Paid**

**APPENDIX A. – DEFINITIONS 119**

**APPENDIX B – CITATION SYSTEM OF CODE ENFORCEMENT 134**

**APPENDIX C –DETAILS 138**

**Section 1. Turnaround Details**
**Section 2. Roadway Details**

# ARTICLE I. GENERAL PROVISIONS

## SECTION 1. TITLE

This Ordinance is known and cited as the Zoning and Land Use Ordinance of the Town of Mechanic Falls, Maine.

## SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), the State's Growth Management Law, Title 30-A, MRSA Section 4311 et. seq., and the Mandatory Shoreland Zoning Act, Title 38, MRSA Section 435 et. seq., Subdivision Law Title 30-A, MRSA Section 4401, et seq.

## SECTION 3. PURPOSE

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

## SECTION 4. EFFECTIVE DATE

This Ordinance takes effect upon its enactment by the Town Council.

## SECTION 5. APPLICABILITY

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

## SECTION 6. RELATIONSHIP WITH OTHER ORDINANCES

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

## SECTION 7. 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.

## SECTION 8. AMENDMENTS

### A. Initiation and Procedure

1. Initiation

A proposal for an amendment to this Ordinance may be initiated by:

a. Appointed Staff;

b. The Planning Board;

c. The Town Council, through a request to the Planning Board;

d. An individual may informally make requests for amendments to (a), (b), or (c) above, and if unsuccessful may pursue (e) below;

e. A written petition signed by a number of Mechanic Falls' voters equal to at least ten percent (10%) of the registered voters of the Town.

2. Ordinance and Ordinance Amendment Notifications (01/03/00)

a. Ordinances and Ordinance Amendments

Maine State Law Title 30-A M.R.S.A. § 3002 requires seven (7) days notice by posting for enactment or revision by the legislative body of a municipality.

b. New or Amended Zoning Ordinance or Maps

If the Town is going to adopt a new zoning ordinance or map or amend an existing one, the Planning Board must conduct a public hearing on the on the proposal. The hearing must be preceded by public notice, which is:

(1) Posted at the Municipal Office at least thirteen (13) days before the hearing, and

(2) Published at least two (2) times in a local newspaper of general circulation in the municipality. The date of the first publication must be at least twelve (12) days before the hearing and the date of the second publication must be at least seven (7) days before the hearing. The notice must be written in "plain English, understandable to the average citizen." These requirements for notice apply even to ordinances or maps being adopted or amended under the mandatory Shoreland Zoning Act and the Growth Management Act.

If the Town is amending an existing zoning ordinance or map, which does not involve Shoreland Zoning, or a zoning ordinance adopted under the Growth Management Act, additional notice requirements may come into play if the proposed amendment affects only a certain geographical area of the municipality and has the effect of either prohibiting all industrial, commercial or retail uses in a geographical area where any of these uses is currently permitted or if it would permit an industrial, commercial or retail use where such a use is currently prohibited, certain notice to individual land owners is required:

(1) The notice must contain a copy of the map indicating the portion of the municipality affected by the proposed amendment, and

(2) The notice must be mailed to the owner of each parcel in or abutting the area affected by the proposed amendment by first class mail to the last known address of the person to whom the property was assessed. The municipal officers must prepare and file with the municipal clerk a written certificate indicating the name and address of the persons to whom notice was mailed, the date and location of the mailing and the person who actually mailed it.

c. Zoning, Generally

All notice requirements by section 4352 also apply to the adoption or amendment of flood plain development ordinances, since they fit the definition of “zoning” in 30 M.R.S.A. § 4301.

d. Shoreland Zoning

Title M.R.S.A. § 438-A {1-B} requires that a municipality give landowners written notification (in addition to the notice under § 4352 [9[) when their property is being considered for placement in a resource protection district. This notice shall be by first class mail to the last know address of the person against whom property taxes are being assessed for each parcel included, and must be sent at least fourteen (14) days before the Planning Board hearing.

e. Procedure

Upon receiving the Planning Board's recommendation, the Town Clerk is required to distribute a copy of the proposed amendment to each Council member and to the Town Manager. The Town Clerk is required to file three copies in the

office of the Clerk and such other public places as the Council may designate for inspection by the public. A notice setting out the time and place for a public hearing shall be given at least thirteen (13) days at the municipal office before the hearing, and published at least two (2) times in a newspaper having a general circulation in Mechanic Falls before any amendment is passed. The date of the first publication must be at least twelve (12) days before the hearing and the date of the second publication must be at least seven (7) days before the hearing. The notice must be written in “plain English, understandable to the average citizen”, but nothing herein shall be deemed to require publication of the amendment itself. The public hearing may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested must be given a reasonable opportunity to be heard. After the hearing, the Council may adopt the amendment with or without amendment or reject it; but if it is amended as to any matter of substance, the Council may not adopt it until the amendment or its amended sections have been subjected to all the procedure hereinbefore required in the case of a newly introduced amendment.

When a change in Land Use District boundaries is proposed, the application must state the nature, extent, and location of the proposed boundary change, and must be accompanied by a site plan drawn to scale with dimensions drawing showing the areas to be changed. The application must include a statement regarding the way in which the proposed amendment complies with or promotes the Town's Comprehensive Plan and must show documentation of right, title or interest in the property to be rezoned. All requests for amendments to the text of this Ordinance, or for changes in district boundary lines, or other proposals to change the zoning map, initiated by other than the appointed staff, Council or the Planning Board must be accompanied by a fee established by the Council. No such request or proposal shall be referred to the Council for public hearing unless and until the filing fee is paid. In addition, the applicant shall pay all required publication fees prior to the public hearing (see 30-A, MRSA, Sec 4352.10).

No proposed amendments to the text of this Ordinance or proposed changes in the Land Use District boundary lines or other proposed changes to the Zoning Map are to be referred to the Town Council until the Planning Board has formally received it. The Planning Board may make a recommendation to the Town Council for adoption, with or without changes, or for defeat of the proposed amendment. In considering the proposed amendment or change, the Planning Board may,

without altering the meaning, intent, or substance of the proposal, put it into such language or form that is appropriate to the format of this Ordinance.

**B. Enactment**

1. Proposed amendments to this Ordinance require approval by a majority vote of the Town Council, for the amendment to be enacted.

2. Copies of amendments affecting the Shoreland Overlay District, certified by the attested signature of the Town Clerk, must be submitted to the Department of Environmental Protection within fourteen (14) days of enactment and do not become effective unless approved by the Department of Environmental Protection (DEP). If the DEP fails to act on any amendment within thirty (30) days of its receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town within this thirty (30) day period must be governed by the terms of the amendment, if such amendment is approved by the DEP.

## SECTION 9. REPEAL OF EXISTING ORDINANCES AND CODES

Adoption of this Ordinance shall repeal the following ordinances and any amendments to them: (See Article IV, Section 6.A. for specific adoptions)

- Zoning Ordinance, 1987, as amended
- Building Officials and Code Administrators (BOCA) Codes, 1990
- 2003, International Building Code (02/07/05)
- 2003, International Residential Code for One and Two Family Dwellings (02/07/05)
- July 2, 1994, State of Maine Internal Plumbing Rules
- June 1, 1999, Maine Sub Surface Waste Water Disposal Rules

# ARTICLE II. - ADMINISTRATION, ENFORCEMENT AND PENALTIES

## SECTION 1. ADMINISTERING BODIES AND AGENTS

### A. Code Enforcement Officer

1. Appointment: A Code Enforcement Officer (CEO) must be appointed or re-appointed annually by the Town Council.

2. Powers and Duties: The CEO has the following powers and duties:

   a. Interpret and enforce the provisions of this Ordinance and any others, which call for CEO action.

   b. Act upon Building and Use Permit Applications, review applications requiring Conditional Use or Special Exception Permits, and refer requests for variances and administrative appeals to the Board of Appeals.

   c. Enter any property at reasonable hours, with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with pertinent laws or ordinances.

   d. Investigate complaints and reported violations.

   e. Make and keep written inspection reports and records of other activities.

   f. Collect application fees.

   g. Issue violation notices.

   h. Participate in appeals procedures.

   i. Appear in court.

   j. Attend such meetings of the Board of Appeals and of the Planning Board, as necessary or desirable.

   k. Revoke any permits issued in error or which are based on erroneous information.

   l. Exercise any additional powers or duties authorized by the statutes.

**B. Building Inspector**

1. Appointment: A Building Inspector must be appointed or re-appointed annually by the Town Council.

2. Powers and Duties: The Building Inspector has the following powers and duties in conjunction with the CEO:

   a. Acts upon building permit applications in conjunction with CEO.

   b. Enter any property at reasonable hours, with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with pertinent laws or ordinances.

   c. Make written inspection reports of activities related to permits and building inspections and forward said reports to the CEO

   d. Recommend to the CEO the revocation of any permits issued in error or which are based on erroneous information.

   e. Exercise any additional powers or duties authorized by the statutes, Town Charter, Town Council or Town Manager as may be warranted.

**C. Planning Board**

The powers and duties of the Planning Board include advising the Town Council of changes to this Ordinance, or any part thereof. In addition, the Planning Board is responsible for reviewing and acting upon applications for Conditional Use or Special Exception Permits, which require issuance, and Use Permits as requested by CEO.

**D. Board of Appeals**

The powers and duties of the Board of Appeals include: hearing and making binding decisions in regard to decisions of the Planning Board and Code Enforcement Officer, and granting or rejecting variance requests. The Board of Appeals must be maintained in accordance with the provisions of Title 30-A, Section 2691. It must conduct its affairs, as specified below:

1. Administrative Appeals: To consider appeals in which an aggrieved party alleges that there was:

   a. a procedural error or omission in any action taken by the Code Enforcement Officer in the administration or enforcement of this Ordinance; or

   b. a procedural error or omission in any action taken by the Planning Board.

When errors of administrative procedures or interpretation are found, the case must be remanded back to the Code Enforcement Officer or Planning Board for correction as appropriate.

2. Variance Appeals: To consider variance appeals, within the limitations set forth in this Ordinance.

   a. Dimensional variances may be granted only from dimensional requirements including, but not limited to, frontage (including shore frontage), lot area, structure height, percent of lot coverage, and setback requirements, (except waterfront setbacks).

   b. Use variances cannot be granted.

   c. The Board must not grant a variance unless it finds that both:

      (1) The proposed structure would meet the requirements of this Ordinance, except for the specific provision which has created the non-conformity and for which relief is sought; *and*

      (2) The strict application of the terms of this Ordinance would result in undue hardship.

      The term "undue hardship" must mean ***all*** of the following:

         i. That the land in question cannot yield a reasonable return, unless a variance is granted;

         ii. That the need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood;

         iii. That the granting of a variance will not alter the essential character of the locality; and

         iv. That the hardship is not the result of action taken by the applicant or a prior owner.

   d. The Board of Appeals must limit any variances granted as strictly as possible to insure maximum conformance with the purposes and provisions of this Ordinance, and in doing so, may impose such conditions on a variance, as it deems necessary. The party receiving the variance must comply with any conditions imposed.

e. A copy of any such variances granted by the Board of Appeals must be submitted to the Planning Board within seven (7) days, and if located within the Shoreland Overlay District, the Department of Environmental Protection within fourteen (14) days of the decision.

f. Any variance granted must be filed, by the grantee, with the Androscoggin County Registry of Deeds within ninety (90) days of such decision by the Board of Appeals.

3. Disability Variance: The board 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.

## SECTION 2. PERMITS REQUIRED

After the effective date of this Ordinance, no person may engage in, or expand, any building or land use activity, which requires a permit, without first obtaining a permit, or permit amendment, for any such activity, as described below. Land use permits in accordance with the following must be secured prior to obtaining the appropriate building, plumbing or other appropriate construction permit.

**A.** A **Use Permit** must be obtained from the Code Enforcement Officer (CEO) for the uses so marked in Table 1, before commencing the construction, alteration, location or replacement of any structure, use, or part thereof (including septic waste disposal system) or foundation.

**B.** A **Conditional Use Permit** must be obtained from the Planning Board following Development Review for the uses so marked in Table 1.

**C.** A **Special Exception Permit** must be obtained from the Planning Board following Development Review, for the uses so marked in Table 1.

**D.** A **Building Permit** must be obtained whenever: 1) structural improvements, structural alterations and structural renovations will be taking place, and those structural changes shall 2) have a value of $ 1,000 or greater or 3) affect an area of 100 square feet or more.

**E.** No occupancy of new or rehabilitated building may occur until a **Certificate of Occupancy**, attesting to the compliance with the Town's building standards related to public health and safety, has been obtained from the Building Inspector.

**F.** An **Electrical Permit** must be obtained from the Code Enforcement Officer for the installation of wires and fixtures for new construction, additions to existing structures and repairs to structures that alter the existing wiring. (02/07/05)

**G.** A **Plumbing Permit** must be obtained from the Code Enforcement Officer for the installation of all water distributing and drainage pipes, hot water storage tanks, hot water heaters, or new installation of faucets, valves and plumbing fixtures. (02/07/05)

**H.** A **Subsurface Waste Water Disposal Permit** must be obtained from the Code Enforcement Officer for the installation of a new, expanded, or replacement waste water disposal system or any individual components of such system. (02/07/05)

**I.** A **Driveway Entrance Permit** must be obtained from the Road Commissioner for the creation of any new entry from the roadway to a parcel that will provide access for motor vehicle traffic. (02/07/05)

**J.** A **Street Opening Permit** must be obtained from the Road Commissioner for any excavation, by hand or machine, within the public right of way on which the Town performs any highway maintenance operations. (02/07/05)

**K.** A **Sign Permit** must be obtained from the Code Enforcement Officer for any new or replacement non-residential sign. (04/01/2013)

**L.** **No permit** of any sort is required for a use that meets all the following:

1. It is done from the persons primary residence and is clearly incidental to residency
2. No other non-resident employees may work out of the home at any time
3. The person commutes to work sites: people do not come to them to do business
4. The work done in the home is purely phone or computer communications, accounting, organizational, written products; no building or fashioning of products. (examples of this would be Avon salespeople, independent insurance rep., transcriptionist, one man plumber with van)
5. That no sign whatsoever is placed on the property to designate the business
6. No outdoor storage of materials or business related vehicles are allowed.

## SECTION 3. PERMIT APPLICATION

**A.** Every permit applicant must submit, on a form provided by the Town to the appropriate official(s), a written application.

**B.** All applications must be signed by the owner(s) or lessee(s) of the property, or other person with a letter of authorization from the owner(s) or lessee(s), and such signature must certify that the information in the application is complete and correct.

**C.** All applications must be dated, and the Code Enforcement Officer or Planning Board, as appropriate, must note upon each application the date and time of its receipt.

**D.** A septic permit or a completed application for a septic permit, including any site evaluation approved by the Plumbing Inspector, must be submitted whenever the nature of the proposed use or structure would require the installation of a subsurface sewage disposal system.

## SECTION 4. PROCEDURE FOR ADMINISTERING PERMITS

### A. Building or Use Permits

The CEO and Building Inspector must render a decision on a Building Permit within fourteen (14) days of receipt of complete application. The CEO must render a decision on a Use Permit within fourteen (14) days of receipt of a complete application.

No permit application that has been denied by the CEO may be resubmitted within 12 months of the date of denial unless conditions and/or the relevant section of the Ordinance have changed. (10/05/98)

### B. Conditional Use Permits and Special Exception Permits

Within thirty (30) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as appropriate:

1. must notify the applicant in writing, either that the application is a complete application or,

2. if the application is incomplete, that specified additional material is needed to make the application complete.

Once a complete application has been determined complete, the Planning Board must approve or deny the application within thirty (30) days of a public hearing, or if no public hearing, within sixty (60) days of determination of completeness. If a public hearing is held, it must take place within thirty (30) days of determination of completeness.

Permits must be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance, and the permittee must comply

with such conditions. If a permit is either denied or approved with conditions, the reasons must be stated in writing.

No approval must be granted for an application involving a structure, if the structure would be located in an unapproved subdivision, or would violate any other local ordinance or regulation, or any State law for which the Town has responsibility.

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

No permit application that has been denied by the Planning Board may be resubmitted within 12 months of the date of denial unless conditions and/or the relevant section of the Ordinance has changed. (10/05/98)

## SECTION 5. APPLICATION FEES

Application fees are to be paid to the Town Clerk upon submittal of application in accordance with the Town's established fee schedule.

## SECTION 6. EXPIRATION OF PERMIT (06/01/00)

**A.** Failure to complete all project requirements and conditions of a permit, issued pursuant to this Ordinance, within thirteen (13) months of the date of the permit's issue, or as conditioned, will cause the permit to become void. Six (6) month extensions may be granted by the permitting authority upon a timely request, following a review of justification with the permittee.

**B.** Resumption is prohibited for any Use, Conditional Use or Special Exemption Permit that has been discontinued for a period exceeding one year (365 days). A new permit will be required by the permitting authority for the continuance of such use.

## SECTION 7. INSTALLATION OF PUBLIC UTILITY SERVICE

No public utility, water district, sanitary district or any other utility company may install, or connect services to, any new use or structure requiring a permit under this ordinance, unless written authorization attesting to the validity and currency of all permits required under this Ordinance has been issued by the appropriate Town official(s). Following installation of service, the company or district must forward a copy of the written authorization to the Town official(s) and indicate that installation has been completed.

## SECTION 8. ENFORCEMENT

**A. Enforcement Procedure**

Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any

provision of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. The CEO shall follow the Town's Approved Citation System of Code Enforcement, which is included herein as Appendix B.

**B. Legal Actions**

When the Town's Citation System does not result in the correction or abatement of the violation or nuisance condition, the Town Council upon notice from the CEO, is directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions and the imposition of fines, as may be appropriate or necessary to enforce the provisions of this Ordinance.

The Town Council, or their authorized agent, may enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and imposing fines without Court action. Such agreements should not allow an illegal structure or use to continue, unless there is clear and convincing evidence that the illegality was a direct result of erroneous information or advice given by an authorized Town Official, and there is no evidence that the owner/violator acted in bad faith.

**C. Penalty**

Any person violating any of the provisions of this Section or failing to comply with any lawful order or direction of the CEO in the enforcement of this Ordinance is guilty of a misdemeanor and upon conviction be subject to a fine of not more than $100.00 for each day of such violation.

**D. Revocation of Permits** (05/01/00)

A permit issued by the Planning Board or a permit issued by the Code Enforcement Officer may be revoked.

1. Grounds for revocation shall include the following:

    a. Fraudulent or erroneous information on the application or permit issued in error;
    b. Violation of the terms of the conditions of the permit;
    c. Violation of State or Federal statutes or regulations, or Town ordinances resulting from work done under the terms or conditions of the permit;
    d. Unsafe or hazardous work conditions or conditions which would damage the environment or endanger public safety

2. The Planning Board may revoke a permit issued by the Board on the grounds contained in Article II, Section 8.D of this ordinance. A permit shall be revoked at a regular meeting of the Board or a special meeting of the Board. The permittee shall be notified in writing, by certified mail, of the Board’s intention to consider revocation of the permit. Notice shall be mailed not less than ten (10) days prior to the meeting considering the revocation.

3. The Code Enforcement Officer may revoke a permit issued by the Officer on the grounds contained in Article II, Section 8.D of this ordinance. Revocation of the permit shall be made in writing and sent by certified mail to the permittee.

4. Persons whose permits have been revoked may appeal to the Board of Appeals as provided for in Article VI of this ordinance. Revocation of the permit shall not be stayed during the period of appeal.

# ARTICLE III. DEVELOPMENT REVIEW

## SECTION 1. PURPOSE

The purposes of Development Review are to:

**A.** Provide a level of municipal review that would not otherwise occur for projects that could adversely impact the surrounding Community as a whole;

**B.** Maintain and protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures, signs and other alterations on, or to the land, are sited and developed in accordance with certain standards.

**C.** Promote and protect the health, safety and welfare of the Townspeople.

## SECTION 2. APPLICABILITY

This Article applies to any proposed use, listed in the Table of Uses, which is marked as requiring a conditional use or special exception permit.

## SECTION 3. CLASSIFICATION OF PROJECTS

Projects subject to Development Review are divided into two (2) classes: minor developments and major developments.

Minor developments include:

**A.** projects involving the construction, addition or conversion of less than five-thousand (5,000) square feet of gross floor area,

**B.** projects involving the construction or installation of less than five-thousand (5,000) square feet of impervious surfaces; and

**C.** projects involving the construction or establishment of less than three (3) lots or dwelling units.

Except for any of the above projects which are deemed by the CEO to require review as a major development in order to protect the health, safety and welfare.

Major developments include all other projects or uses requiring Development Review for Conditional Use or Special Exception Permits.

## SECTION 4. WAIVER OF DEVELOPMENT REVIEW FOR NO INTENSIFICATION OF USES

The CEO may waive development review for projects where it is determined that the proposed change of an existing non-residential building or structure from one use to another use is equally or less intensive than the existing or previous use of that building or structure.

## SECTION 5. ADMINISTRATION

### A. Pre-Application Meeting

Applicants are required to schedule a meeting with the CEO prior to a formal submission for review, so as to discuss their plans and gain an understanding of the review procedures, requirements and standards.

### B. Applications in Writing

All applications for Development Review must be made in writing to the CEO on the forms provided for this purpose. Applications must be made by the owner of the property, or his agent, if so authorized in writing by the owner.

The CEO must make an initial determination of the completeness of the application within thirty (30) days of its receipt by the Town. If an application is not complete, it must be returned to the applicant with an indication of the additional information required. When an application is determined to be complete, including all documentation required by this Article, the CEO must issue a dated receipt to the applicant. Unless the applicant and CEO agree to an extension, the Planning Board must (within sixty [60] days of the dated receipt) act to approve or disapprove the Development Application in accordance with this Article.

For major development activities, applications for Development Review may not be submitted until a Site Inventory and Environmental Assessment is first submitted to and reviewed by the CEO. The Planning Board must act on the completeness of the Site Inventory and Environmental Assessment within thirty (30) days of its receipt.

### C. Application Fees

An application for Development Plan Review must be accompanied by a non-refundable fee in accordance with the Town fee schedule.

### D. Notice to Abutters

The CEO shall mail all abutting property owners and all property owners within 500 feet along the roadway (and others, if appropriate) notice of a pending application for project Development Review at least seven (7) days prior to the meeting. This notice must indicate the time, date, and place of Planning Board consideration of the application. (11/03/03)

### E. Independent Review and Advice

1. Professional Services: The CEO may determine that an attorney or consultant review one or more aspects of an application for compliance, or noncompliance with this Ordinance and to advise the

Planning Board. The attorney or consultant must first estimate the cost of such review and the applicant shall deposit, with the Town, the full estimated cost, which the Town must place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment.

2. Additional Studies: The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of the Ordinance are met. The costs of such studies shall be borne by the applicant.

**F. Public Hearing**

Prior to taking final action on any Development Review Application for a major project, the Planning Board may hold a hearing to afford the public an opportunity to comment on the application.

**G. Financial Guarantee**

Prior to final approval of any plan, the CEO or Planning Board may require the applicant to post a performance bond, letter of credit or escrow agreement, in such amount as is reasonably necessary, to ensure completion of all improvements and in such form as is approved by the Board and the Town Council, in accordance with Section 10 of this Article.

The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project.

**H. Conditions**

The CEO or Planning Board may attach reasonable conditions to Use, Conditional Use and Special Exception Permits to ensure compliance with the standards and criteria of this Ordinance and other State requirements.

**I. Waiver of Performance Standards**

The Planning Board may waive certain performance standards, provided they are not required in State laws and rules, in their approval of conditional use and special exception permits, when it finds that any of the following apply: a) such standards do not apply to the proposed project; b) applying such standards will pose an economic hardship on the project; or c) the public benefits of the project outweigh the benefits of applying the standards.

## SECTION 6. CONTENTS OF SITE INVENTORY AND ENVIRONMENTAL ASSESSMENT FOR MAJOR DEVELOPMENT ACTIVITIES

**A.** The Site Inventory and Environmental Assessment for *major* developments is intended to provide both the applicant and the Planning Board with an understanding of the site and surroundings, and the opportunities of and constraints on the proposed use of the site.

**B.** The Site Inventory and Environmental Assessment must contain, at least, the following information:

1. The name(s), address(es) and phone number(s) of the owner(s) of record and the applicant, if different.

2. The name(s), address(es) and phone number(s) of all consultants working on the project.

3. An accurate plan of the parcel, at an appropriate scale, showing at least:

    a. the name of the development, north arrow, date and scale;

    b. the boundaries of the parcel;

    c. the topography of the site at an appropriate contour interval (10') depending on the proposed use and the character of the site;

    d. any legal restrictions or benefits (e.g. easements) attached to the site;

    e. the location and size of existing utilities or improvements servicing the site;

    f. if on-site sewage disposal is proposed, soils information to identify those portions of the site which are suitable and those which are unsuitable for on-site disposal systems, and

    g. areas of potential off-site conflicts or concerns (e.g., noise, lighting, traffic).

4. An appropriate scale USGS map showing the property and its surroundings.

5. An appropriate scale map showing known wetlands or critical natural areas.

6. A narrative describing the existing conditions of the site and neighborhood or surrounding area, the proposed use of the site, and the constraints and opportunities of the site and surrounding area, including: any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site, the surrounding area, and the proposed use.

## SECTION 7. REVIEW OF SITE INVENTORY AND ENVIRONMENTAL ASSESSMENT FOR MAJOR DEVELOPMENT ACTIVITIES

The CEO must review the Site Inventory and Environmental Assessment to determine if it provides a clear statement of the opportunities and constraints of the site for the proposed use. If additional information or analysis is required, the CEO must advise the applicant in writing.

Based on its review of a complete Site Inventory and Environmental Assessment, the Board must advise the applicant in writing of the issues and constraints that must be addressed in the formal Development Review Application.

## SECTION 8. DEVELOPMENT REVIEW APPLICATION

Applications for Development Review must be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information must be submitted to the CEO, who must make a record of its receipt and forward the application to the Chair of the Planning Board.

A site inspection may be conducted by the CEO or Planning Board prior to approval. Once approved, the plan must not be altered without prior approval of the CEO or Planning Board.

The CEO or Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not adversely affect the abutting landowners or the health, safety, and welfare of the Town.

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

**A.** Ten (10) copies of the completed and signed application form (with any attachments) and ten (10) sets of maps or drawings, all of which must contain the information listed below, unless additional copies are requested by the Board. (02/07/05)

**B.** The maps or drawings must be at a scale sufficient to allow review of the items listed under approved criteria, but in no case must be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development. (02/07/05)

**C. General Submission Information**

1. Name(s), address(es) and phone number(s) of record owner(s) and of applicant, if different.

2. The name of the proposed development.

3. Names and addresses of all property owners within five hundred (500) feet of the edge of the property lines of the proposed development.

4. Sketch map showing general location of the site within the Town.

5. Boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.

6. The tax map and lot number of the parcel or parcels.

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

8. The name, registration numbers and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.

**D. Existing Conditions**

1. The bearings and distances of all property lines of the property to be developed and the source of this information.

2. Location and size of any existing sewer and water mains, culverts and drains that will serve the development whether on or off the property, along with the direction of existing surface water drainage across the site.

3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.

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

5. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.

6. Location of intersecting roads or driveways within two hundred (200) feet of the site.

7. The location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained.

8. The location, front view and dimensions of existing signs.

9. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

**E. Proposed Development Activity**

1. The location of all building setbacks, yards and buffers, required by this or other Town Ordinances.

2. The location, dimension, and ground floor elevations of all proposed buildings.

3. The location and dimensions of proposed driveways, parking and loading areas, and walkways.

4. The location and dimensions of all provisions for water supply and wastewater disposal.

5. The direction and route of proposed surface water drainage.

6. The location, front view, and dimensions of proposed signs.

7. The location and type of exterior lighting.

8. The proposed landscaping and buffering.

9. Demonstration of any applicable State applications, or permits which have been or may be issued.

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

11. Space must be provided on the plan for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Mechanic Falls Planning Board."

**F.** Applications for ***major developments*** must include the following additional information unless waived by the Planning Board:

1. Existing and proposed topography of the site at two (2) foot contour intervals, or such other intervals as the Planning Board may determine.

2. A storm water drainage and erosion control program showing:

    a. The existing and proposed method of handling storm-water run-offs.

    b. The direction of flow of the run-off.

    c. The location, elevation, and size of all catch basins, drywells, drainage ditches, swales, retention basins, and storm sewers.

d. Engineering calculations used to determine drainage requirements based upon the 25-year, 24-hour storm frequency, but only if the project will significantly alter the existing drainage pattern, due to such factors as increased impervious surfaces from paving and building.

e. Methods of controlling erosion and sedimentation during and after construction.

3. A groundwater impact analysis prepared by a groundwater hydrologist for projects, located within a Aquifer Management Overlay District, or involving common on-site water supply or sewage disposal facilities with a capacity of two-thousand (2,000) gallons per day.

4. A utility plan showing the location and nature of electrical, telephone, and any other utility services to be installed on the site.

5. A planting schedule, keyed to the Site Plan, indicating the varieties and sizes of trees, shrubs, and other plants to be planted.

6. Analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements.

7. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.

8. Construction drawings for streets, sanitary sewers, water and storm drainage systems, which are designed and prepared by a professional engineer who is registered in the State of Maine.

9. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for, or dedicated to, common or public use and/or ownership. For any proposed easement, the developer must submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

10. A copy of any covenants or deed restrictions intended to cover all, or part of, the property. Such covenants or deed restrictions must be referenced on the plan.

11. If any legal interest in land is to be dedicated to the Town for public use, then a copy of a written offer of dedication or conveyance to the Town, in a form satisfactory to the Town Attorney, for all such land must be included.

12. Evidence of adequate provision for maintenance of the development.

13. Cost estimates of the proposed development and evidence of financial capacity to complete it. This evidence should include a letter from a bank, or other source of financing, indicating the name of the project, amount of financing proposed, and the means of financing the project.

14. A narrative and/or plan describing how the proposed development scheme relates to the Site Inventory and Environmental Assessment.

**G. Applications for Special Exception Permits**

In addition to the foregoing requirements, applications for Special Exception Permits must include:

1. An alternative sites analysis identifying and analyzing other reasonable alternative sites and justification of how the proposed site is the most suitable; and

2. A neighborhood environmental impact report evaluating the potential impacts on neighboring properties and environs and presenting mitigation measures that alleviate adverse effects.

## SECTION 9. CRITERIA FOR REVIEW AND APPROVAL OF DEVELOPMENT PLANS AND SUBDIVISIONS

In approving development plans and subdivisions within the Town of Mechanic Falls, the Planning Board must consider the following criteria and before granting approval, must make findings of fact that the provisions of this Ordinance have been met and that the proposed development will meet the guidelines of Title 30-A, M.R.S.A., Section 4404, as amended.

**A. Aesthetic, Cultural and Natural Values**

The proposed activity will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Mechanic Falls, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

**B. Conformity with Local Ordinances and Plans**

The proposed activity conforms to a duly adopted ordinance and comprehensive plan.

**C. Erosion**

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;

**D. Financial Burden on Town**

The proposed activity will not cause an unreasonable financial burden on the Town for provisions of public services and facilities.

**E. Financial and Technical Ability**

1. Financial Capacity: The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. In making the above determinations, the Planning Board must consider the proposed time frame for construction and the effects of inflation.

2. Technical Ability: In determining the applicant's technical ability, the Planning Board must consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

**F. Flood Areas**

Based on the Federal Emergency Management Agency's Flood Insurance Rate Maps, and information presented by the application whether the activity is in a flood-prone area.

**G. Freshwater Wetlands**

All freshwater wetlands within the proposed site have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

**H. Groundwater:** The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

**I. Municipal Solid Waste Disposal**

The proposed activity will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

**J. Municipal Water Supply**

The proposed activity will not cause an unreasonable burden on an existing water supply, if one is to be used.

**K. Neighborhood Compatibility**

1. The proposed activity will be compatible and sensitive to the character of the site and neighborhood relative to land uses; scale, bulk and building height; neighborhood identity and historical character; noise and orientation on lot.

2. The proposed activity maximizes the opportunity for privacy by the residents of the immediate area.

3. The proposed activity ensures safe and healthful conditions within the neighborhood.

**L. Pollution**

The proposed activity will not result in undue water or air pollution. In making this determination, the Planning Board must at least consider:

1. The elevation of the land above sea level and its relation to the floodplains;

2. The nature of soils and subsoils and their ability to adequately support waste disposal;

3. The slope of the land and its effect of effluents, including phosphorous transport;

4. The availability of streams for disposal of effluents;

5. The applicable State and local health and water resource rules and regulations; and

**M. River, Stream or Brook**

Any river, stream or brook within or abutting the proposed project has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.

**N. Sewage Disposal**

The proposed activity will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

**O. Storm Water**

The proposed activity will provide for adequate storm water management.

**P. Sufficient Water**

The proposed activity has sufficient water available for the reasonably foreseeable needs of the proposed development;

**Q. Traffic**

The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed

**R. Fire Protection** (12/07/99)

Any area of new major development more than 1000 feet, as measured from the nearest public hydrant on a recognized public or private way, requires an adequate water supply for firefighting purposes. The criteria for this supply will be determined by the National Fire Protection Association's standard 1231, Water Supplies for Suburban and Rural Firefighting (1993 Edition). This water supply is to be installed and maintained by the developer or established association of that development.

## SECTION 10. PERFORMANCE GUARANTEES

**A. Types of Guarantee**

As required by the Planning Board, the developer must provide one of the following Performance Guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs.

1. Either a certified check, payable to the Town, or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;

2. An irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or

3. A Performance Bond, payable to the Town, issued by a surety company, and acceptable to the Town.

   The form, time periods, conditions and amount of the Performance Guarantee must be determined by the Planning Board.

**B. Contents of Guarantee**

The Performance Guarantee must contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspection of each phase of construction, provisions for the release of part or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town must have access to the funds to finish construction.

**C. Escrow Account**

A cash contribution to the establishment of an escrow account must be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the Town must be named as owner or co-owner, and the consent of the Town must be required for a withdrawal, but the consent of the developer is not be required for a withdrawal. Any interest earned on the escrow account must be returned to the developer unless the

Town has found it necessary to draw on the account, in which case the interest earned must be proportionately divided between the amount returned to the developer and the amount withdrawn to complete the required improvements.

**D. Letter of Credit**

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

**E. Performance Bond**

A Performance Bond must detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents must specifically reference the development activity for which approval is sought.

**F. Phasing of Development**

The Planning Board may approve plans to develop a Major Subdivision in separate and distinct phases. This may be accomplished by granting a concept approval of the total proposed project but limiting final approval to those lots and activities, which can be realistically achieved within a five-year period and are covered by a Performance Guarantee. When development is phased, road construction must commence from an existing public way. Final approval of lots and/or activities in subsequent phases must be given only upon satisfactory completion of all requirements pertaining to previous phases and that each phase can be realistically achieved within a five-year period.

**G. Release of Guarantee**

Withdrawals may be made only after a registered professional engineer has certified the work as completed and the CEO has certified that the work is consistent with the conditions set forth in the project approval, if any. Any work, which has not been completed, must be performed at the direction of the Town Council and such work must be paid for from the escrow account, in accordance with a disbursement schedule recommended by the Planning Board.

**H. Default**

If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the Plans and specifications filed as part of the application, he must so report in writing to the Town Council, the Planning Board, and the developer. The Town Council must retain the authority to take any steps necessary to preserve the Town's rights.

**I. Improvements Guaranteed**

Performance Guarantees must be tendered for all improvements required by the Planning Board, including the construction of the streets.

## SECTION 11. SUBDIVISION PLANS

### A. Submission and Contents of a Final Subdivision Plan

Within ninety (90) days of the date of Planning Board action on the site plan review of the subdivision, the subdivider must submit the Final Plan to the Code Enforcement Officer so as to obtain the signature of the Planning Board Chairman for recording purposes. Failure to submit the Final Plan within the designated time period must require the submission of a new subdivision application, except that the Planning Board may waive this requirement for good cause. (02/07/05)

The Final Plan must consist of one (1) original transparency (mylar) and four (4) copies of one or more maps or drawing similar to the maps or drawings prepared for preliminary plat plan submission.

In addition to all of the items required in the development plan approval and unless otherwise indicated by the Planning Board, the following items must be required as part of the Final Plan submission.

1. Registered Land Surveyor: The name, registration number, and embossed seal of the registered land surveyor who prepared the Final Plan (show on plan).

2. Streets: The names and lines, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings (show on Plan).

3. Designation of Land Dedication: The designation of all easements, areas reserved for, or dedicated to public use or the common use of lot owners, open space, green space, buffer strips and areas reserved by the subdivider. (08/04/03)

4. Lots: The location, bearing and length of every lot line, with all lots to be numbered in accordance with local practices.

5. Permanent Reference Monuments: The location of permanent markers set at all lot corners, as shown on the plan.

6. Performance Guarantee: A performance guarantee to secure completion of all public improvements if required by the Planning Board and written evidence that the municipal officers are satisfied with the legal sufficiency of such guarantee.

7. Land Dedication: Written copies of any documents of land dedication, and written evidence that the municipal officers are satisfied with the legal sufficiency of any documents accomplishing such land dedication.

8. Flood Areas: If the subdivision, or any part of it, is in such an area, the developer must determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that all structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

9. Approval Space: Suitable spaces to record on the approved final plan the date and conditions of approval, if any. This space must be similar to the following example:

Approved: Town of Mechanic Falls Planning Board
Signed:
_____ Chair

Date: _____

Conditions: _____(or reference to separate text_____
_____or document with conditions)_____
_____

**B. Notification of Completed Subdivision Application**

After the Planning Board has received the Final Plan and all of the information required to be submitted with it, the Planning Board must notify the subdivider in writing within thirty (30) days that a completed subdivision application has been filed, and must begin its final evaluation.

**C. Recording of Final Plans**

All final plans, upon receipt of final approval of the Planning Board, shall be duly recorded in the Androscoggin County Registry of Deeds. Any subdivision not recorded in the Registry of deeds within ninety (90) days of the date upon which the plan is approved and signed by the Planning Board shall become null and void. A Mylar copy of the recorded plan, measuring no greater than 24” x 36" shall be submitted to the Town within seven (7) days of recording.

# ARTICLE IV. - LAND USE DISTRICTS AND REGULATIONS

## SECTION 1. ESTABLISHMENT OF DISTRICTS

To implement the provisions of this Ordinance, the Town of Mechanic Falls is hereby divided into the following Land Use Districts and Overlay Districts, which are depicted on the official Mechanic Falls Zoning Map. Flood Plain maps are available at the offices of the CEO and Town Clerk.

### A. Land Use Districts

1. Rural District

   The purpose of the Rural District is to continue to preserve the rural character of the Town by encouraging low-density residential, commercial forestry and agricultural uses that are compatible with the rural qualities.

2. General Residential District

   The purpose of the General Residential District is to continue to encourage higher density residential uses and compatible commercial uses, adjacent to the downtown in areas that may be served by public water and sewer.

3. Downtown Business District

   The purpose of the Downtown Business District is to continue to encourage a mix of compatible residential, commercial and industrial uses in the Town center.

4. Highway Commercial District

   The purpose of the Highway Commercial District is to provide a mixture of commercial and light industrial development uses at the intersection of State Routes 26 and 11.

5. Pleasant Street Gateway District

   The purpose of the Pleasant Street Gateway District is to provide for a compatible mix of residential, heavier commercial and light industrial uses along State Route 121, West of downtown.

6. Lewiston Street Gateway District

   The purpose of the Lewiston Street Gateway District is to provide for a compatible mix of residential, commercial and light industrial uses

along Lewiston Street from the Poland Town line to the General Residential and Downtown Business District.

7. General Industrial District

The purpose of the General Industrial District is to provide for a mix of residential, commercial and encourage light industrial uses adjacent to State Routes 26 and 11.

## B. Overlay Districts

1. Resource Protection Overlay District

The Resource Protection Overlay District is the critical natural resource areas in Town which, based upon their resource value, should remain essentially undisturbed. The purpose of this land use classification is to preserve fragile and significant environmental areas from intrusions, which adversely affect these systems, or creates threats to public health and safety.

This overlay district includes areas in which development would adversely affect water quality, productive habitat, biotic systems or natural values. This area includes:

- Areas within 250 feet horizontal distance, of the upland edge of freshwater, wetlands, which are rated as moderate to high-value waterfowl areas by the Department of Inland Fisheries and Wildlife, as of January 1, 1973.

- Areas of two (2) or more contiguous acres with sustained slopes greater than twenty percent (20%), or unstable soil subject to slumping mass movement, or severe erosion, when these areas are two acres or more in size.

- Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland, as defined, and which are not surficially connected to a water body during normal spring high water.

- Other significant wildlife habitat; and

- Areas designated by the Federal, State or Municipal Government as natural areas of significance to be protected from development

2. Mobile Home Park Overlay

This Ordinance designates four Mobile Home Park overlay areas. These areas include the so-called Mottram's, Callahan's, Christie's and Pleasantview Mobile Home Parks. The Mobile Home Park Overlay District at Mottram's, Callahan's and Christie's are allowed to expand in land area by no more than 25% of the development land area as of January 1, 1990. The Pleasantview Mobile Home Park Overlay District is not allowed to be expanded beyond the total sites approved.

3. Aquifer Management Overlay District

The Aquifer Management Overlay District are the areas of Town where significant sand and gravel aquifers exist. The purpose of this Overlay District is to preserve and improve water quality and the quantity of surface water resources by limiting the intensity of development and controlling nutrient loading into important water bodies. All new land use activities within this overlay district must meet the requirements specified for this Overlay District.

Land uses in the Aquifer Management Overlay districts are reserved for low intensity uses. Some low intensity residential, recreational, agricultural and timber related uses may be accommodated through the application of existing State regulations related to septic system design and soil conditions and the Town's site plan review process.

4. Shoreland Overlay District

The Shoreland Overlay District are those areas within the Town that are located within two-hundred fifty feet (250) feet, horizontal distance of the normal high water line of the Little Androscoggin River, seventy-five (75) feet, horizontal distance of the normal high-water line of a stream, or within two-hundred and fifty (250) feet horizontal distance, of the upland edge of a freshwater wetland. Uses located within this overlay district must be regulated in accordance with the State Shoreland Zoning Law requirements (MRSA 38 Secs 435-449) as specified in this Ordinance.

## SECTION 2. LAND USES

Land Uses permitted in Mechanic Falls are shown on Table 1 (Table of Uses) by the type of permit required or not required within each land use District under this Ordinance. Such permits must be secured prior to obtaining the appropriate building, plumbing or other appropriate construction permits, in accordance with the procedures and processes described in Article II and III.

### KEY TO TABLE 1

Y= Yes, use allowed without a land use permit from the CEO or Planning Board. Other permits such as building and plumbing permits may be required prior to commencement of any development activity.

U= Use requires Use Permit following review for minor projects from CEO.

C= Use requires Conditional Use Permit following site plan review from Planning Board. (10/05/98)

S= Use requires Special Exception Permit from Planning Board following development review for all projects. In addition to meeting all major project criteria, applicants must demonstrate that (a) there is no alternate site which is both suitable to the proposed use and reasonably available to the applicant; *and* (b) that a neighborhood environmental impact report shows that there will be no adverse impacts on neighboring properties or uses.

N= No, use is not permitted in District.

LSG – Lewiston St Gateway
RD – Rural District
DB – Downtown Business
GI – General Industrial

PSG – Pleasant St Gateway
GR – General Residential
HC – Highway Commercial

RP – Resource Protected Overlay
AM – Aquifer Management Overlay
SZ – Shoreland Zone Overlay
MH – Mobile Home Park Overlay

## TABLE 1 - TABLE OF USES – LAND USE DISTRICTS

| USE / STRUCTURE | RD | GR | DB | LSG | HC | PSG | GI |
|---|---|---|---|---|---|---|---|
| **RESIDENTIAL** | | | | | | | |
| Accessory Structure | Y | Y | Y | Y | Y | Y | Y |
| Home Occupation(11/4/02) | U | U | C | U | U | U | C |
| Multi-Family Dwelling | N | C | C | S | Y | S | S |
| Single-Family Dwelling | Y | Y | Y | S | Y | Y | S |
| Two-Family Dwelling | Y | Y | Y | S | Y | Y | S |
| **COMMERCIAL** | | | | | | | |
| Accessory Structure | Y | Y | Y | Y | Y | Y | Y |
| Adult Business | N | N | C | C | C | C | C |
| Adult Entertainment | N | N | N | N | S | N | N |
| Auto Graveyard, Auto Recycling, Junkyard | N | N | N | N | N | N | N |
| Auto Sales, Repair, Body Shop | N | C | C | C | C | C | C |
| Bed and Breakfast | C | C | U | C | C | C | N |
| Boarding Homes | C | C | C | C | C | C | N |
| Car Wash | N | S | C | C | N | S | N |
| Commercial Abattoir | C | N | N | C | C | C | C |
| Communication Tower | C | C | C | C | C | C | C |
| Fire Wood Processing | C | N | S | C | C | S | C |
| Flea Market | C | N | C | C | C | C | C |
| Gasoline Service Station | N | N | S | C | C | C | S |
| Hotel / Motel | N | N | C | C | C | C | N |
| Indoor Theater | N | C | C | C | C | C | N |
| Instruction Business (11/4/02) | C | C | U | C | C | C | C |
| Mobile Vendors | U | Y | Y | Y | Y | Y | Y |
| Neighborhood Store | C | C | C | C | C | C | C |
| Offices: Business Professional / Medical | N | C | C | C | C | C | C |
| Printing / Photocopying | N | C | C | C | C | C | C |
| Recreation | C | C | C | C | C | C | C |
| Redemption Center | S | S | U | C | C | C | C |
| Registered Dispensary | N | N | N | C | C | C | C |
| Restaurant | N | S | C | C | C | C | C |
| Retail Fuel Distributor Petroleum Product | N | N | S | N | N | S | S |
| Retail Business | N | S | U | C | C | C | C |
| >5000 $ft^2$ | N | S | C | C | C | C | C |
| Service Business | N | S | U | C | C | C | C |
| Shopping Center | N | S | C | C | C | S | C |
| Veterinary Hospital | C | C | C | C | C | C | C |
| Wholesale Business | N | C | C | C | C | C | C |
| **INDUSTRIAL** | | | | | | | |
| Accessory Structure | Y | Y | Y | Y | Y | S | Y |
| Light Industry | N | C | C | C | C | S | C |
| Heavy Industry | N | N | N | N | N | N | N |
| Recycling Operations | N | N | N | S | S | N | S |

| USE / STRUCTURE | RD | GR | DB | LSG | HC | PSG | GI |
|---|---|---|---|---|---|---|---|
| **INDUSTRIAL Continued** | | | | | | | |
| Septic Sludge Spreading And Storage Facility | N | N | N | N | N | N | N |
| Terminal for Bulk Oil / Gas | N | N | S | N | N | N | N |
| Trucking, Distribution Terminal | N | N | S | C | C | S | C |
| Warehousing and Storage | N | N | S | C | C | S | C |
| Waste Disposal (Municipal, Solid Waste, Stump Dump And Slabs) | S | N | N | N | N | N | N |
| Waste Disposal (Ash, Nuclear or Hazardous Waste Facility) | N | N | N | N | N | N | N |
| **INSTITUTIONAL** | | | | | | | |
| Accessory Structure | Y | Y | Y | Y | Y | Y | Y |
| Church / Synagogue Parish House | C | C | C | C | C | C | C |
| Civic / Convention Center | N | N | C | C | C | C | C |
| Community Center / Club | C | C | C | C | C | C | C |
| Congregate Housing | C | C | C | C | C | C | N |
| Day Care Homes (11/4/02) | U | U | C | U | U | U | C |
| Day Care Centers | C | C | C | C | C | C | C |
| Fire / Police Station | S | C | C | C | C | C | C |
| Funeral Home | N | C | C | C | C | C | C |
| Hospital / Medical Care | S | C | C | C | C | C | S |
| Museum / Library | C | C | C | C | C | C | N |
| Nursing Home | N | C | C | C | C | C | C |
| Public / Private School | S | C | C | C | C | C | S |
| Public Utility Facility | S | S | S | S | S | S | S |
| Registered Primary Caregiver Operation | U | N | N | U | U | U | U |
| **OUTDOOR, RESCOURCE** | | | | | | | |
| Accessory Structure | Y | Y | Y | Y | Y | Y | Y |
| Agriculture (commercial) | Y | C | C | C | C | C | C |
| Agriculture Packaging / Storage and Processing | C | C | S | C | C | C | C |
| Animal Breeding / Care | C | C | C | C | C | C | C |
| Campground (05/02/05) | C | C | N | N | N | C | N |
| Cemetery | C | C | N | C | C | C | N |
| Farm Abattoir | U | U | U | U | U | U | U |
| Farm Market | Y | Y | Y | Y | Y | Y | Y |
| Farm Stand (up to 200 square feet) | U | U | U | U | U | U | U |
| Natural Resource Based Industry | C | N | C | S | S | C | C |
| Natural Resource Based Recreation | C | C | C | C | C | C | C |
| Parks / Recreation | C | C | C | C | C | C | C |
| Mass Gatherings (more than 1,000 people for more than 12 hours) | C | C | C | C | C | C | C |
| Timber Harvesting | Y | Y | N | Y | Y | Y | Y |

## TABLE 1 CONT. - TABLE OF USES – OVERLAY DISTRICTS

** For any expansion or alterations of uses not listed, the CEO will determine the appropriate permit and procedure (if any).

| USE / STRUCTURE | RP | AM | SZ | MH |
|---|---|---|---|---|
| **RESIDENTIAL** | | | | |
| Accessory Structure | N | U | U | Y |
| Home Occupation | N | C | C | C |
| Multi-Family Dwelling | N | N | C | N |
| Single-Family Dwelling | N | Y | U | Y |
| Two-Family Dwelling | N | U | U | N |
| **COMMERCIAL** | | | | |
| Accessory Structure | N | N | U | N |
| Adult Business | N | N | C | N |
| Adult Entertainment | N | N | N | N |
| Auto Graveyard, Auto Recycling, Junkyard | N | N | N | N |
| Auto Sales, Repair, Body Shop | N | N | N | N |
| Bed and Breakfast | N | N | C | N |
| Boarding Homes | N | N | C | N |
| Car Wash | N | N | S | N |
| Commercial Abattoir | N | N | N | N |
| Communication Tower | N | C | C | C |
| Fire Wood Processing | N | N | N | N |
| Flea Market | N | N | C | N |
| Gasoline Service Station | N | N | N | N |
| Hotel / Motel | N | N | C | N |
| Indoor Theater | N | N | C | N |
| Instructional Business (11/4/02) | N | N | C | N |
| Mobile Vendors | N | N | U | N |
| Neighborhood Store | N | N | C | S |
| Offices: Business Professional / Medical | N | N | C | N |
| Printing / Photocopying | N | N | S | N |
| Recreation | C | C | C | N |
| Redemption Center | N | N | C | N |
| Registered Dispensary | N | N | C | N |
| Restaurant | N | N | C | N |
| Retail Fuel Distributor Petroleum Product | N | N | N | N |
| Retail Business | N | N | C | N |
| Service Business | N | N | C | N |
| Shopping Center | N | N | C | N |
| Veterinary Hospital | N | N | C | N |
| Wholesale Business | N | N | C | N |

| USE / STRUCTURE | RP | AM | SZ | MH |
|---|---|---|---|---|
| **INDUSTRIAL** | | | | |
| Accessory Structure | N | N | C | N |
| Light Industry | N | N | C | N |
| Heavy Industry | N | N | N | N |

| | | | | |
|---|---|---|---|---|
| Recycling Operations | N | N | C | N |
| Septic Sludge Spreading And Storage Facility | N | N | N | N |
| Terminal for Bulk Oil / Gas | N | N | N | N |
| Trucking, Distribution Terminal | N | N | S | N |
| Warehousing and Storage | N | N | C | N |
| Waste Disposal (Municipal, Solid Waste, Stump Dump And Slabs) | N | N | N | N |
| Waste Disposal (Ash, Nuclear or Hazardous Waste Facility) | N | N | N | N |
| **INSTITUTIONAL** | | | | |
| Accessory Structure | N | U | U | N |
| Church / Synagogue Parish House | N | N | C | N |
| Civic / Convention Center | N | N | C | N |
| Community Center / Club | N | N | C | N |
| Congregate Housing | N | N | C | N |
| Day Care Homes | N | N | C | N |
| Day Care Centers | N | N | C | N |
| Fire / Police Station | N | N | C | N |
| Funeral Home | N | N | N | N |
| Hospital / Medical Care | N | N | C | N |
| Museum / Library | N | N | C | N |
| Nursing Home | N | N | N | N |
| Public / Private School | N | N | C | N |
| Public Utility Facility | N | S | S | S |
| Registered Primary Caregiver Operation | N | N | C | N |
| **OUTDOOR, RESCOURCE** | | | | |
| Accessory Structure | N | U | U | Y |
| Agriculture (commercial) | S | N | C | N |
| Agriculture Packaging / Storage and Processing | N | N | C | N |
| Animal Breeding / Care | N | N | C | N |
| Campground | C | N | C | N |
| Cemetery | N | N | C | N |
| Farm Abattoir | N | N | N | N |
| Farm Market | N | Y | Y | N |
| Farm Stand ( up to 200 square feet) | N | U | U | N |
| Natural Resource Based Industry | N | N | C | N |
| Natural Resource Based Recreation | C | S | C | N |
| Parks / Recreation | C | C | C | C |
| Mass Gatherings (more than 1,000 people for more than 12 hours) | N | N | C | N |
| Timber Harvesting | Y | Y | Y | Y |

## SECTION 3. SPACE STANDARDS AND DIMENSIONAL REQUIREMENTS

Unless otherwise permitted by this Ordinance, lots, structures and uses must meet the space standards specified below and the dimensional requirements specified in Table 2.

### A. General Space Standards

1. Creation of New lots

a.) All newly created lots must meet all minimum dimensional requirements of this ordinance (04/03/06)

b.) The following criteria apply to the creation of all lots unless demonstrated adequately to the reviewing authority that the application of one (1) or more of the following criteria is not practical: (04/03/06)

1.) If a lot on one (1) side of a road or similar barrier fails to meet the minimum lot size required by the zoning ordinance, it may not be extended to the other side of the barrier to meet minimum lot size for the purposes of individual, on site waste disposal. (04/03/06)

2.) All proposed lots must be able to completely contain within their boundaries an area defined by a circle with a minimum diameter equal to the required frontage for the district, less 50 feet, and has the street right-of-way as its tangent. (04/03/06)

3.) Side lot lines shall be at right angles to street lines or radial curving street lines. (04/03/06)

c.) This criteria does not apply to the back lot provisions. (04/03/06)

d.) The maximum number of lots with frontage on a Dead End street created after 2006 is 14. (12/04/06)

2. Lot Usage (10/05/98)

With the exception of the Downtown Business 1 district, all new development activity in detached structures is limited to one principal use per all dimensional requirements for that district. Multiple principal uses in a single structure on a lot are allowed provided each principal use meets the minimum dimensional requirements per each principal use in the structure.

The Planning Board may waive the additional road frontage & land area requirements for multiple principal uses within a single structure on a lot provided there is a clear demonstration by the applicant that:

a) The lot conforms to the minimum road frontage and minimum land area requirements for a single principal use or structure in the District plus 50% of the minimum land area for each additional principal use in the structure

b) There are no non-conforming uses on the lot

c) All principal uses within the structure must comply with Article III--Development Review standards of this Ordinance

d) There are no residential uses in the structure

e) The proposed use is compatible with all existing uses located within the structure as well as with permitted uses in the neighborhood and approval of the use will not result in a public hazard or dangerous situation.

Home occupations, accessory apartments, related uses in a development (such as shopping center uses) and day care homes, where permitted, are not considered principal uses for purposes of this Ordinance.

3. Principal Use Determination (10/05/98)

Where an application involves multiple use projects, the Planning Board shall make a determination of principal uses. In making such determination, the Planning Board shall evaluate the number of principal uses existing on the lot, the amount of land area previously dedicated to those existing principal uses, the relationship of the uses proposed, their compatibility and their dependency upon each of the other proposed uses associated with the project.

4. Two-family Uses

The lot size for two-family uses within the Town must equal 150% of the required lot size for single family uses and must meet minimum road frontage for single family dwellings plus fifty (50) feet for each additional unit over one (1) within a specific land use district, as specified in Table 2. Non-conforming lots of record existing prior to January 1, 2011 must meet these requirements. (01/01/2011)

5. Multi-Family Uses

Multi-family uses within the Town are limited to four dwelling units per structure, with each dwelling unit meeting the lot area requirements, and the lot must meet the minimum road frontage requirement for single family dwellings plus fifty (50) feet for each additional unit over one (1) within a specific land use district, as specified in Table 2. (01/01/2011)

6. Lot Usage in Downtown Business Districts (10/05/98)(8/1/05)

a. In order to encourage a mix of uses and new infill development in the Downtown Business 1and 3 Districts, more than one principal use may be permitted on a lot within this land use district in accordance with the following minimum standards.

(1) 1,000 square feet of lot area per commercial use.

(2) 1,500 square feet of lot area per residential use.

b. The Planning Board may modify dimensional requirements in the Downtown Business 1 District for existing lots of record under 10,000 square feet provided that there is a clear demonstration by the applicant that such modification:

(1) would result in a more advantageous siting of the building or enhanced parking or pedestrian circulation;

(2) would not reduce a required setback between the commercial structure and an abutting residential property;

(3) would not preclude maintenance of all exterior surfaces of the structure; and

(4) would not result in a public hazard or dangerous situation.

**B. Dimensional Requirements**

1. The following land areas shall not be included in the calculation of the net lot area or minimum lot size in any zoning district: (04/03/06)

a.) Land which is situated below the normal high water mark of any water body. (04/03/06)

b.) Land which is located within the one-hundred (100) year flood plain as identified by an authorized federal or state agency. (04/03/06)

c.) Land which is located within a wetland as identified and defined by the State of Maine. (04/03/06)

2. Table 2 provides dimensional requirements by land district for any new development or expansion activity that may occur within the Town.

## TABLE 2 – DIMENSIONAL REQUIREMENTS – LAND USE DISTRICTS

All dimensional requirements depicted are per principal use of lot.

| Dimensions | RD | GR | DB | LSG | HC | PSG | GI |
|---|---|---|---|---|---|---|---|
| Minimum Land Area (Sq. Ft. in thousands) | | | | | | | |
| with public sewer | 80’[6] | 20’[6] | 10’[1] | 20’ | 20’ | 20’ | 20’ |
| without public sewer | 80’[6] | 40’[6] | 20’[1] | 40’ | 40’ | 40’ | 40’ |
| Minimum Road Frontage (public or private) | 250’[6] | 200’[6] | 100’[1] | 200’ | 200’ | 200’ | 200’ |
| Minimum Setbacks | | | | | | | |
| Front (from centerline)[2] | 55’ | 55’ | 55’ | 55’ | 55’ | 55’ | 55’ |
| Sides & Rear | 10’ | 10’ | 5’ | 10’ | 10’ | 10’ | 10’ |
| Maximum Structure Height[5] | 40’ | 40’ | 40’ | 40’ | 40’ | 40’ | 40’ |

## DIMENSIONAL REQUIREMENTS – OVERLAY DISTRICTS

| Dimensions | RP | AM | SZ | MH |
|---|---|---|---|---|
| Minimum Land Area (Sq. Ft.. in thousands) | 80’ | 80’ | 80’ | H |
| Minimum Road Frontage (public or private) | 250’ | 250’ | 250’ | H |
| Minimum Setbacks | | | | |
| Front (from centerline)[2] | 55’ | 55’ | 55’ | H |
| Side & Rear | 10’ | 10’ | 10’ | H |
| Waterfront | 75’ | 75’ | 100’/75’[3] | H |
| Minimum Shore Frontage | 200’ | 200’ | 200’ | H |
| Maximum Structure Height[5] | 0’ | 40’ | 40’ | H |

Notes:

1 The Planning Board may modify dimensional requirements within the Downtown Business District for existing lots of record under 10,000 square feet.

2 Minimum setbacks may be an average of the setbacks of the existing structures from the street centerline, including side streets within 1,000 feet either way along the street.

3 100’ on the river, 75’ on streams and wetlands

4 All dimensional requirements depicted above are per principal use of lot

5 See Article IV Section 4.F – Height of Structures or Buildings for exceptions

6 Back Lots are allowed in the RD and GR provided they conform to the standards for Back Lots in Article IV Section 4.H(2)

7. The Planning Board may modify dimensional requirements within the Downtown Business District 3. (8/1/05)

## SECTION 4 GENERAL PERFORMANCE REQUIREMENTS AND STANDARDS

**The following standards apply to all lots created and all land use activities undertaken, after the effective date of this Ordinance.**

### A. Agriculture in Shoreland Overlay District and Resource Protection Overlay District

1. All spreading or disposal of manure shall be accomplished in conformance with the *Maine Guidelines for Manure and Manure Sludge Disposal on Land* published by the University of Maine Soil and Water Conservation Commission in July 1972.

2. Manure must not be stored or stockpiled within seventy-five (75) feet horizontal distance of rivers, streams, tributary streams, or wetlands. Within five (5) years of the effective date of this Ordinance all manure storage areas within the Shoreland Overlay District and Resource Protection Overlay District must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the Shoreland Overlay District and Resource Protection Overlay District requires a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
   NOTE: Assistance in preparing a soil and water conservation plan may be available through the Androscoggin Valley Soil and Water Conservation District office.

4. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from the Little Androscoggin River, Bog Brook and streams; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within seventy-five (75) feet horizontal distance of the Little Androscoggin River, Bog Brook and streams; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

**B. Buffers/Screening**

Buffers/screening are fences, vegetation, landscaping, berms and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas. The following standards apply to residential, commercial, industrial, institutional, and other non-residential structures or uses:

1. No such structure or use may abut a use or different institutional use, or public or recreational use, unless natural vegetation or a landscaped buffer strip at least fifty (50) feet wide is provided to screen structures and uses visually unless waived by the Planning Board in accordance with Article III, Section 5(I). Where no natural vegetation can be maintained or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations.

2. Natural landscape features must be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers/screening must be utilized. The buffering must minimize the adverse impacts on adjacent properties (including public roads) and must meet the following standards.

    a. Outdoor off-street parking and loading spaces, must be effectively screened from view by a continuously landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to single-family residential properties, except that driveways must be kept open to provide visibility for entering and leaving.

    b. Buffers must be provided along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.

    c. Exposed storage and waste disposal areas, sand and gravel extraction operations, and areas used for the storage or collection of any articles of salvage or refuse must have sufficient setbacks and screening (such as stockade fence, a wooden or masonry screen or a dense evergreen hedge six (6) feet or more in height) so that they do not adversely affect other land uses and properties in the area.

3. All buffer areas must be maintained in a neat and sanitary condition by the owner. Fencing and screening must be durable and properly

maintained and must be so located within the property lines to allow access for maintenance on both sides without intruding upon abutting properties.

4. For safety purposes all fencing and other barriers, including continuous shrubs and trees, in excess of three (3) feet in height must be setback ten (10) feet from the edge of a travelway or right-of-way, whichever is greater.

**C. Clearing of Vegetation for Development within the Resource Protection Overlay and Shoreland Overlay Districts**

1. Within a Resource Protection District there must be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

2. Except to allow for the development of permitted uses, a buffer strip of vegetation must be preserved within seventy-five (75) feet, horizontal distance, of the normal high-water line of rivers, streams, tributary streams or upland edge of those wetlands designated on the official Mechanic Falls Zoning Map, subject to the following provisions:

   a. Adjacent to rivers, streams, tributary streams or the upland edge of those wetlands designated on the official Mechanic Falls Zoning Map, the width of a footpath must be limited to six (6) feet.

   b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

   c. In order to protect water quality and wildlife habitat adjacent to rivers, streams, tributary streams or the upland edge of those wetlands designated on the official Mechanic Falls Zoning Map, existing vegetation under three (3) feet in height and other ground cover must not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a above.

   d. Pruning of tree branches, on the bottom 1/3 of the tree, is permitted.

   e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings

must be replanted with native tree species unless existing new tree growth is present.

The provisions of this paragraph do not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, are limited to the minimum area necessary.

3. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of rivers, streams, tributary streams or the upland edge of those wetlands designated on the official Mechanic Falls Zoning Map, and except to allow for the development of permitted uses, selective cutting on any lot, as described in 2b above will be considered to be equivalent to basal area.

   In no event may cleared openings for development (including principal and accessory structures, driveways and sewage disposal areas) exceed in the aggregate 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including any land previously developed.

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but not enlarged, except as permitted by this Ordinance.

5. Fields, which have reverted primarily to shrubs or trees measuring at least two (2) inches in diameter measured at 4 1/2 feet above ground level, are regulated under the provisions of this section.

**D. Emergency Vehicle Access**

Convenient and safe emergency vehicle access to all principal structures must be provided.

**E. Glare**

All exterior lighting and all reflective properties of any proposed development must be designed to minimize adverse impact on neighboring properties. Specifically, lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings or public places.

**F. Height of Structures or Buildings**

No structure or building may exceed those heights specified in Table 2, as measured from the average of the finished grade excluding steeples. Non-flammable features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed the Ordinance's maximum building height, but must be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance. Chimneys, stovepipes, and similar

devices on residential structures are exempt from the requirements of this paragraph.

**G. Landscaping for Commercial and Industrial Uses**

Landscaping must be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses.

To ensure proper visibility for entering and departing vehicles, all driveway entrances and exits must be kept free from visual obstructions higher than three (3) feet above street level for a distance of twenty-five (25) feet measured along the intersecting driveway and street lines.

**H. Lot Frontage**

1. Lot Frontage: All lots created must possess a minimum frontage on 1) a public road, 2) a private road which has been constructed in accordance or conformity with the Town's Road Standards in Article IV Section 4.L of this Ordinance.

2. Back Lots: One back lot of three or more acres may be created out of each lot of record in the Rural and General Residential Districts provided that:

    a. There is a 33-foot strip of land with frontage of 33 feet on a town-accepted street or private street built to Town road standards.

    b. The 33 foot access is owned by deed, conveying clear and marketable title and properly registered with the Androscoggin County Registry of Deeds, prior to the issuance of a building permit to the owner of the back lot.

    c. The access is not included in the three-acre minimum size, and is not subject to the setback requirement of this Ordinance.

    d. The access only serves one back lot.

    e. Only a single-family dwelling is allowed to be constructed on a back lot so created. Only one back lot, as described above, is allowed to be created per subdivision.

**I. Noise Abatement**

1. Excessive noise at unreasonable hours must be required to be muffled, so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.

**J. Off-Street Parking and Loading**

1. Basic Design: Adequate off-street parking must be provided with all new, expanded, or remodeled uses in accordance with this section.

2. Multi-Family Residential, Commercial, Industrial and Institutional Development. Development: in any district may not be extended, and no structure may be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the following requirements:

    a. Access points from a public road to commercial and industrial operations must be located so as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

    b. All parking areas and driveways must have a gravel sub-base at least twelve (12) inches in thickness and six (6) inches of finish gravel or two (2) inches of bituminous concrete or other paving, and must have appropriate bumper or wheel guards where needed.

    c. Required off-street parking for all land uses must be located on the same lot as the principal building or facility unless otherwise authorized by the Planning Board.

    d. Loading facilities must be located entirely on the same lot as the building or use to be served. No trucks, trailers, and containers for loading or storage are allowed to be parked or located upon any Town way. Loading facilities must also be designed so that they do not interfere with customer traffic flows and parking.

    e. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that the parking facilities will essentially meet the intent of the requirements by reason of separate times of maximum use by patrons or employees of such establishments.

3. Parking Lot Design Criteria (Not applicable to single- or two-family dwellings)

    a. Vehicular Entrance and Exit

        i. Entrances and exits must be clearly identified by the use of signs, curb cuts, or landscaping.

ii. Entrance/exit design must be in conformance with the standards of Subsection Q.

b. Interior Vehicular Circulation

i. Major interior travel lanes must be designed to allow continuous and uninterrupted traffic movement.

ii. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, may be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of on-coming pedestrians and vehicles.

c. Minimum Parking Requirements

i. All parking spaces and access drives must be at least five (5) feet from any lot line, unless more is required in buffer requirements.

ii. Parking stalls and aisle layout must conform to the design standards in Table 3:

## TABLE 3 - PARKING DESIGN STANDARDS

| Parking Angle | Stall Width | Skew Width | Stall Depth | Aisle Width | |
|---|---|---|---|---|---|
| $90^{o}$ | 10'=0" | | 20'-0" | 24'=0" | |
| $60^{o}$ | 8'=6" | 10'-0" | 18'-0" | 16'=0" | one way only |
| $45^{o}$ | 8'=6" | 13-'0" | 17'-0" | 12'=0" | one way only |
| $30^{o}$ | 8'=6" | 19'-0" | 17'-0" | 12'=0" | one way only |

iii. In paved parking areas, painted stripes must be maintained to delineate parking stalls. Stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of one (1) foot on center.

iv. In unpaved parking areas, boundaries must be clearly delineated.

v. Curbing and/or wheel stops must be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

vi. Parking spaces must be provided to conform with the requirements in Table 4.

vii. Adequate provisions for the handicapped must be provided that conforms to applicable State laws.

viii. 90° parking spaces in the Downtown Business Districts 1 and 2 are to be nine (9) feet wide by eighteen (18) feet deep. (08/02/99)

## TABLE 4 – PARKING SCHEDULE

| ACTIVITY | NEEDED PARKING |
|---|---|
| Residential Units with 2 or more bedrooms | 2 spaces per dwelling unit |
| Tourist Homes, Boarding and Lodging Houses, Motels, Hotels, and Inns | 1 space per room/unit rental |
| Campgrounds | 1-1/4 spaces per site rental plus two spaces |
| Churches | 1 space per three (3) seats based upon maximum seating capacity |
| Schools | |
| Primary | 1.5 spaces per classroom |
| Secondary | 8 spaces per classroom |
| Post-Secondary | 0.5 spaces for each student and 1 space for each faculty and staff member |
| Child Care Facility | 1 space for every four (4) children plus one space per maximum employees on a shift |
| Private Clubs or Lodges | 1 space for every fifty (50) square feet of floor space |
| Theaters, Auditoria, Public Assembly Areas | 1 space per three (3) seats based upon maximum seating capacity |
| Libraries, Museums Art Galleries | 1 space for each 200 square feet of floor area |
| Commercial Recreation Facilities | 1 space for each 100 square feet of floor area |
| Funeral Homes | 1 space per three (3) seats based upon maximum seating capacity |

| | |
|---|---|
| Medical Care Facilities | 1 space for every two (2) beds plus, space for every three employees |
| Professional Services such as Accountants, Barbers, Hair Dressers Doctors, Lawyers, Insurance Agents, Real Estate Agents, Veterinarians, Registered Dispensaries | 1 space for each 300 square feet of gross floor area |
| Retail and Service Businesses | 1 space for every 200 square foot of sales area |
| Automobile Repair Garages | 2 spaces for each service bay plus 1 space per employee |
| Motor Vehicle Sales | 5 spaces plus 1 space per 3,000 sq. ft. of display area (indoor or outdoor) |
| Restaurants, Bars, Adult Entertainment | 1 space per three (3) seats based upon maximum seating capacity |
| Drive-In Restaurants | 1 space per fifty (50) square feet of gross floor area |
| Industrial Businesses, Warehouses, and Wholesalers | 1 space for each five hundred (500) square feet of gross floor area |
| Flea Markets | 2 spaces per eight (8) linear feet of table area |
| Mixed Uses | Total of individual uses unless Planning Board approves the sharing of parking spaces |
| Uses not otherwise listed | Sufficient space to accommodate the normal parking demand of the use, without requiring on-site parking. At discretion of Planning Board and State Fire Marshall. |

**NOTES:**

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required must be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces must be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area must be used unless otherwise noted.
4. The Planning Board may permit the shared use of parking on a project by project basis.

## K. Bridges and Other Structures and Uses Extending Over or Beyond the Normal high-water Line of a Water Body or Within a Wetland

1. Access from shore must be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location must not interfere with existing developed or natural beach areas.

3. The facility must be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.

4. No new structures may be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.

5. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland may be converted to residential dwelling units in any district.

**L. Road Standards**

1. Roads must be located, constructed, and maintained to provide for public safety and adequate traffic flow.

2. Provision must be made to prevent soil erosion and sedimentation of surface waters.

3. All roads constructed, except Mobile Home Park roads must conform to the following standards:

   a. Roads and associated drainage systems, except logging, agricultural and temporary roads, must be designed by a Professional Engineer registered in the State of Maine. A plan and profile, at a scale of no less than 50 feet to the inch horizontal and 5 feet to the inch on the vertical, must be submitted to the Planning Board for their review and approval prior to the beginning of construction. (02/07/05)

   b. All roads must have a fifty (50) foot wide right of way. The center of the travel way will be the center of the right of way. (11/03/03)

   c. Roads require a minimum paved width of twenty (20) feet and must have two (2) foot shoulders at each edge unless concrete or granite curbing is installed. Roads with curbing must have a subsurface storm water management system.

   d. Twenty four (24) inch sub base with a maximum stone size four (4) inch; eighteen (18) inches of sub-base gravel equal to MDOT 703.06 Type D and six (6) inches of base gravel equal to MDOT 703.06 Type A. The sub-based depth may be varied and a crushed gravel base may be required by the Planning Board based on advisory opinion from the Road Commissioner. (8/1/05)

e. For residential uses, a three (3) inch bituminous pavement (after compaction) (two (2) inch base course and one (1) inch surface course) is required by the Planning Board (depending on the population and traffic flow). The final determination of the paving material must be determined by the Planning Board, as required by expected traffic and tonnage. For commercial and industrial uses a three (3) inch bituminous pavement is required. The paved surface must be a minimum of three (3) foot shoulders on each side at a 1/2 inch pitch per foot. (06/02/03)

f. Road crossings of watercourses must be kept to the minimum number necessary;

g. Bottoms of culverts must be installed at streambed elevation;

h. Road banks must be no steeper than three (3) horizontal to one (1) vertical;

i. Center line road grades must be no steeper than ten (10) percent except for segments of no more than two hundred (200) feet in length and no steeper than three (3) percent within fifty (50) feet of intersections;

j. Road and shoulders must be crowned or graded to provide adequate surface drainage (1/4" to 1/2 " per foot);

k. If a road is to be dead-end (does not connect to an accepted town, or state way on each end; or does not connect to itself), then a turn around shall be required and constructed in accordance with Appendix C, Typical Details, of this Ordinance. Only frontage parallel to the center line of the right-of-way entering a turnaround may be calculated when determining the total frontage requirement for a lot. No driveway entrance shall be constructed within the dimensions of a turnaround. (11/03/03) (02/07/05)

l. A minimum centerline radii on curves and turnarounds, is two hundred (200) feet. (11/03/03)

m. Vertical clearance to overhanging vegetation, structures, or utilities above the final surface must be a minimum of sixteen (16) feet.

n. Road base must be adequately compacted to insure that the structure of the road base or surface must not deteriorate due to natural conditions or from expected traffic beyond normal deterioration.

o. All cut or fill banks and areas of exposed soil must be at least temporarily re-vegetated or otherwise stabilized as soon as possible after exposure. Areas must be permanently stabilized within nine (9) months of construction.

p. Drainage systems, bridges and culverts must be designed to accommodate the 24 hour - 25 year storm event for the area. The Planning Board may require sizing for a larger event should the design life of the culvert, bridge, or other facility dictate. The following drainage standards are recommended unless the design engineer justifies that an alternative approach is equally or more suitable.

i. Ditch relief culverts, drainage dips and associated water turnouts must be spaced along the road at intervals no greater than indicated in the following table:

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

ii. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

q. In addition to the above minimum requirements, provisions must be made to reasonably avoid sedimentation of water bodies during the lifetime of the road, including the construction, maintenance and eventual discontinuance of the road.

r. Culverts must be placed and sized to meet the drainage conditions. In no case, may culverts be less than twelve (12) inches in diameter or extend less than three (3) feet beyond the shoulders.

s. The following criteria apply to the creation of all new roadways unless demonstrated adequately to the reviewing authority that the application of one (1) or more of the following criteria is not practical: (12/04/06)

i. Whenever possible the center line of new roadways must be created to align with the intersecting roadway center line. (12/04/06)

ii. The distance between roadways must be a minimum of twice the road frontage required within the district measured between the right-of-ways. (12/04/06)

4. No building permits may be issued for lots in an approved subdivision until developer has constructed, including paving, all roads contained in the subdivision in accordance with provisions of this Ordinance. The developer must pave the roads or, in the alternative, post a performance bond in the amount equal to the cost of paving with the final paving to be completed within six (6) months of the approved subdivision.

5. During construction developers will be required to hire, at the developer's expense, a qualified individual of the Town's choice, to insure compliance with the Town's road standards. That individual shall submit to the Road Commissioner written certification of compliance with the road standards as required by this ordinance. (02/07/05)

6. All roads, driveways and parking areas must be setback a minimum of seventy-five (75) feet, horizontal distance of any river, stream, tributary stream or the upland edge of those wetlands designated on the official Mechanic Falls Zoning Map.

**M. Sanitary Standards**

1. All subsurface sewage disposal facilities must be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241, as revised.

2. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system may be owned and maintained in common by the users of the system. Provision must be made, whether by deed covenants, lot owner's association, or otherwise, so that there is proper maintenance of the system.

**N. Signs**

All signs must conform with the provisions of Title 23, Maine Revised Statutes Annotated, Sections 1901-1925, as amended.

1. Exemptions: The following requirements do not apply to:

   a. Flags and insignia of any government.

   b. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

c. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.

d. Signs indicating gasoline prices as required by State law.

e. Yard and garage sale signs which are no more than ten (10) square feet in area and which are posted for no more than three (3) days.

f. All political signs and public referendum signs which must comply with State law, except that these signs may not exceed sixteen (16) square feet per sign face or be more than six (6) feet in height. (10/05/98)

g. Temporary banners and posters for special events.

h. Signs related to trespassing and hunting.

i. Seasonal signs related to farm stands or farm products, not to exceed thirty-two (32) square feet.

2. Location and Illumination: No sign may be erected (a) adjacent to any public way in such a manner as to obstruct clear and free vision or (b) in a place or manner which, by reason of its position, shape, color, illumination or wording, would interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or would otherwise constitute a hazard to pedestrian or vehicular traffic.

a. No signs may be located within, or project over, a public right-of-way.

b. Changeable Signs are allowed in the Downtown Business, Highway Commercial, General Industrial, Lewiston Street Gateway and Pleasant Street Gateway Zones as long as the sign complies with the following conditions: The Display on each side of a Changeable Sign; (09/02/08) (12/03/2012)

i. May be changed no more than once every five (5) seconds; (09/02/08)

ii. Must change as rapidly as technologically practicable; provided, however, that a Display may change by scrolling; (09/02/08)

iii. Time and Temperature Signs are specifically permitted so long as the display changes no more frequently than every five (5) seconds; and (09/02/08)

iv. May be illuminated by one (1) color in any five (5) second interval. (09/02/08)

v. Must not be illuminated between the hours of 9:00 PM and 6:00 AM in the Lewiston Street Gateway and Pleasant Street Gateway districts. (12/03/2012)

c. Changeable Signs are prohibited in the Rural, General Residential, and Mobile Home Parks Zones. (09/02/08) (12/03/2012)

d. All signs, if illuminated, must be lighted by indirect light of an intensity and manner that it will not result in hazards to motorists, however, if a Changeable Sign is erected, in no event shall a Display on any such sign flash. (09/02/08)

e. No sign may be located off the site of the lot on which the related service or occupant is located, except for MDOT approved directional signs and residential or home occupation signs.

f. No signs may be placed on utility poles.

3. Home Occupation Signs: Each residence is permitted a sign, not more than ten (10) square feet, naming the owner and the nature of a "Home Occupation" and one entrance sign not to exceed two (2) square feet. The signs may either be affixed to a wall or be freestanding and may be located on the residential premise.

4. Non-Residential Signs

a. Each non-residential use is permitted one wall or roof sign not to exceed fifty (50) square feet, and one free-standing sign not to exceed fifty (50) square feet per sign face. (04/01/2013)

b. Roof signs may not project more than six (6) feet in height above the roofline at the front wall of the structure.

c. Freestanding signs and signposts may not exceed fifteen (15) feet in height and must be located outside of the road right-of-way and must not create a safety hazard. (10/05/98)

d. In the event of a multi-use facility such as a shopping center, each use is permitted one wall sign, not to exceed thirty-two (32) square feet, in addition to one free-standing sign, not to exceed one hundred (100) square feet per sign face, to identify the facility and its occupants.

5. Real Estate Signs: The sale or rental of real estate may be advertised by temporary signs, no larger than six (6) square feet in area. Each broker or person advertising the sale or rental is permitted only two (2) signs on any one premise. All such signs must be removed within two (2) days of the sale or occupancy.

6. Design Standards for Signs

   a. No free standing sign may be located closer than one-hundred (100) feet to any other free standing sign, except where necessary to allow each business one sign.

   b. Signs must be constructed of durable materials such as wood, metal, heavy gauge plastic or any similar material approved by the Planning Board.

   c. Signs must be aesthetically pleasing and compatible with surrounding uses.

7. Temporary Signs: One temporary sign, either free-standing or affixed to a building, and no larger than nine (9) square feet of display area per side, is permitted. The sign may be displayed no more than sixty (60) consecutive days or more than one-hundred eighty (180) days per calendar year.

8. Adult Entertainment signs shall not display any graphics, which include any depictions of material prohibited under this Article.

**O. Soil and Water Quality Protection**

1. Soils: No construction activity is permitted in the Aquifer Management Overlay District, any area where slopes exceed twenty percent (20%), depth to groundwater is less than twelve (12) inches, depth to bedrock is less than twelve (12) inches, the K factor for soils exceeds four-tenths (0.4) or the soils fall in hydrologic soils group D, unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, or to the Planning Board, within the application for site plan review that construction methods will overcome any pertinent soil inadequacies.

2. Water Quality Degradation: To the extent necessary to protect water quality, no activity may locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that runoff, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or

unsightliness, or be harmful to human, animal, plant, or aquatic life. All above-ground storage facilities for fuel, chemicals, or chemical or industrial wastes must be located on impervious pavement, and must be completely enclosed by an impervious dike which must be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a twenty-four (24) hour, twenty-five (25) year storm, so that such liquid must not be able to spill onto or seep into the ground surrounding the paved storage area.

Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, are exempted from this requirement, in situations where neither a seasonal high water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved, or within an Aquifer Management Overlay District

**P. Storage of Materials**

1. Outdoor Storage: All materials stored outdoors, must be stored in such a manner as to deter the breeding and harboring of insects, rats or other vermin. This must be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means.

2. Exemptions: The following trailers and vehicles are exempted from the provisions of paragraph 1, above:

    a. Recreational trailers and vehicles.

    b. Farm equipment.

    c. Intermittently parked trailers and vehicles used by an individual who derives a substantial portion of his/her income from the operation of such vehicles off-premises, when parked on property occupied by the individual.

    d. Trailers and vehicles parked or stored within a building or structure.

    e. Trailers and vehicles parked on property where construction or demolition activities are in process, providing the vehicles are set back from any property line at least ten (10) feet, and are removed within twenty (20) days of project completion.

## Q. Street Access and Driveways for Multi-family, Commercial, Industrial or Institutional Uses

1. Street Access: Provision must be made for vehicular access to the development and circulation upon the parcel in such a manner as to safeguard against hazards to traffic and pedestrians in the street within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation must conform to the following standards and design criteria and must secure the appropriate driveway entrance permit:

    a. The vehicular access to the development must be arranged to avoid through traffic use of local residential streets, unless planned, laid out and constructed to accommodate such use.

    b. Where the entire parcel and individual lots have frontage on two or more streets, the access to the parcel or lots must be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

    c. The street giving access to the parcel and neighboring streets which can be expected to carry traffic to and from the development must have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.

    d. Where necessary to safeguard against hazard to traffic and pedestrians and/or to avoid traffic congestion, provision must be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.

    e. Access ways must be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

    f. Where topographic and other conditions allow, provision must be made for circulation driveway connections to adjoining lots of similar existing or potential use:

        i. When such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or,

        ii. When such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

g. Where streets intersect with public roads, sight distances, as measured along the public way which traffic will be entering, must be based upon the posted speed limit and conform to the following:

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

2. Driveway Spacing: Driveways must be located at least fifty (50) feet from adjacent driveways and fifteen (15) feet from property lines (except in the case of shared drives between adjacent parcels or lots), in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic.

**R. Structure Elevation within the Floodplain**

The lowest floor elevation of all buildings and structures, including basements, located in the 100 year floodplain, must be elevated at least one (1) foot above the elevation of the 100-year flood, the flood of record, or, in the absence of these, the flood as defined by soil types identifiable as recent floodplain soils. All structures within the 100-year flood plain are subject to the requirements of the Town of Mechanic Falls Floodplain Management Ordinance.

**S. Timber Harvesting Within a Shoreland Overlay District and Resource Protection Overlay District**

1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line of rivers, streams, tributary streams and the upland edge of wetlands in a Shoreland Overlay District and Resource Protection Overlay District, no timber harvesting is allowed, except to remove safety hazards.

2. Except in areas as described in Paragraph 1 above, timber harvesting in the Shoreland Overlay District and Resource Protection District must conform with the following provisions:

   a. Selective cutting of no more than forty (40%) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

      i. Within seventy-five (75) feet, horizontal distance, of the normal high-water line of rivers, streams, tributary streams, or upland edge of those wetlands designated on the official Mechanic Falls Zoning Map, there may be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, must be maintained.

b. Timber harvesting operations exceeding the forty percent (40%) limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board must notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

c. No accumulation of slash may be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash must either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body must be removed.

d. Timber harvesting equipment may not use stream channels as travel routes except when:

   i. Surface waters are frozen; and
   ii. The activity will not result in any ground disturbance.

e. All crossing of flowing water requires a bridge or culvert, except in areas with low banks and channel beds, which are composed of gravel, rock or similar hard surfaces, which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings must be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts must be removed and areas of exposed soil re-vegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil must be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent must be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip must be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face must be closer than twenty-five (25) feet from

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

h. Timber harvesting in all other land use districts must conform to the State Forest Practices Act, as revised.

## SECTION 5. PERFORMANCE REQUIREMENTS AND STANDARDS FOR SPECIFIC ACTIVITIES

**The following requirements and standards apply to the specific activities listed in addition to the requirements and standards of Sections 4:**

### A. Campgrounds and Individual Private Campsites

1. Campgrounds must conform to the minimum requirements imposed under the State licensing procedure and the following:

   a. Campgrounds must contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body must not be included in calculating land area per site.

   b. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings must be set back a minimum of seventy-five (75) feet from the normal high-water line of the streams, or upland edge of those wetlands designated on the official Mechanic Falls Zoning Map.

2. Individual, private campsites not associated with campgrounds are allowed without a permit, provided the following conditions are met:

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

   b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, must be set back seventy-five (75) feet from the normal high-water line of streams, or upland edge of those wetlands designated on the official Mechanic Falls Zoning Map.

   c. Recreational vehicles must not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies must be attached to the recreational vehicle.

d. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection Overlay District must be limited to one thousand (1,000) square feet.

e. A written sewage disposal plan describing the proposed method and location of a sewage disposal must be required for each campsite and must be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility of landowner is required.

f. When a recreational vehicle, tent or similar shelter is placed on-site and occupied for more than one hundred and twenty (120) days per year, all requirements for residential structures must be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules, as revised, unless served by public sewage facilities.

**B. Open Space Subdivisions**

1. Purpose: The purpose of these provisions is to encourage flexibility in the design of residential lot development, encourage creative development that preserves contiguous tracks of fields, forests, farmland, shore, ecological systems, etc. and protects the most significant natural, historic, archeological, wildlife and other resources identified in the Town of Mechanic Falls Comprehensive Plan, thereby preserving these important natural features for the benefit of present and future residents and harmonizing new development with the traditional open, wooded agricultural and village landscapes of the Town. The guidelines are intended to offer incentives that afford flexibility to landowners in road and lot layout and road frontage requirements, if such landowners commit to the permanent preservation of these important open space resources. The Planning Board may approve open space subdivisions as an alternative to conventional subdivisions only in the Rural and General Residential Districts. This section is not to be construed as granting variances to relieve hardship.

2. Basic Requirements for an Open Space Subdivision

a. Open Space Subdivisions must meet all requirements for subdivision approval and must be in conformance with a site plan for its overall development.

b. Only single family dwelling units are permitted.

c. Dimensional Requirements

i. Individual lot area shall be increased by forty (40) percent of the minimum lot area of that normally required in the zone.

ii. Individual lot road frontage may be reduced by no more than thirty (30) percent of that normally required in the zone. All other setbacks must comply with the dimensional requirements for the underlying zone, as shown in Table 2.

iii. An open space subdivision may have no fewer than five (5) dwelling units.

iv. At least forty (40) percent of the total area of the open space subdivision must be permanently preserved in open space. Each individual lot of record within the Open Space Subdivision shall contain between twenty (20) percent and sixty (60) percent open space. Open space areas shall be contiguous, where possible to allow linking of open space areas throughout the Town.

v. Individual lot road frontages located in any overlay district may not be reduced.

d. The open space must be dedicated to the recreational amenity and environmental enhancement of the development, must protect and preserve the tracks of land and resources identified in section 1 of these standards, and must be recorded as such. For the purposes of these provisions, open space means an area that:

- is not encumbered in any way by a principal structure,
- is not devoted to use as a roadway, road right-of-way, parking lot, or sidewalk, and
- is maintained in its natural or undisturbed state.

e. The open space contained within any individual lot shall be held in private ownership by, the owner of record, of the lot.

f. Further subdivision of the open space or the creation of easements within the open space is prohibited.

g. All lots in an open space subdivision must have access and frontage off interior roads.

h. No back lots shall be allowed or created as part of an open space subdivision.

i. The planning board shall have final approval of all open space area.

j. The use of any open space may be limited by the Planning Board at the time of Final Approval where the Board deems it necessary to protect adjacent properties or uses, particular tracks of land or ecological systems or other natural resources. Any proposed change in use of the open space after final approval shall be reviewed by the Planning Board as an amendment to the approved plan.

k. The final plan shall contain the following:

   i. Open space must be clearly marked on the final plan and indicate its use or uses with respect to the portion of the open space that such use or uses apply.

   ii. A notation that indicates the open space is permanently reserved as open space and is subject to reservations for future use and development and cannot be further subdivided or encumbered with any easements.

   iii. The words “Open Space Subdivision” shall be indicated within the plan’s title block

l. Perpetual conservation easements, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the open space subdivision and shall meet the following standards:

   i. All conservation easements or declarations of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of the Plan approval.

   ii. The conservation easements or declarations of covenants and restrictions shall prohibit any and all activities or uses not approved by the Planning Board at the time of Final approval.

   iii. If required by the Planning Board, conservation easements or declarations of covenants and restrictions shall be written such that they are enforceable by the Town of Mechanic Falls.

   iv. The conservation easements or declaration of covenants and restrictions shall be recorded in the

Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision Final Plan in the Androscoggin County Registry of Deeds.

**C. Home Occupations**

1. Permitted home occupations must be carried out without: offending custom or disturbing neighbors; altering the residential character of the structure or neighborhood; or changing the character of the lot from its principal use as a residence, and must be clearly incidental and secondary to the residential use of the dwelling.

2. Home occupations are limited to Business and Professional Offices, Arts & Crafts, and Service Business, as defined in Appendix A of this Ordinance. No other uses are allowed as home occupations. (10/05/98)

3. The home occupation must be carried on wholly within a principal or accessory structure. There must be no outside storage or display of materials, products or equipment. (10/05/98)

4. A home occupation may be carried on in no more than 25% of the floor area of a detached single-family dwelling unit not to exceed 500 square feet, or no more than 500 square feet of an accessory building. (10/05/98)

5. A home occupation may not have more than the equivalent of 2 full-time employees, with at least 1 being a full-time resident of that dwelling.

6. Retail sales are not allowed as part of a home occupation unless the item sold is a product of the owner's labor (e.g. manufactured, produced, created) within the confines of the Home Occupation. The resale of items, even those related to the product, which is produced in the home occupation, is prohibited. (10/05/98)

7. No home occupation is allowed for any property that includes a day care home. (10/05/98) Home Occupations are allowed in residences that have an Accessory Dwelling Unit provided it is operated by the landowner. (10/04/2010)

8. All Home Occupation permits issued pursuant to the adoption of this section shall terminate upon the sale, lease, devise or other transfer of the property by the permittee. (05/01/00)

**D. Hotels, Motels and Inns**

For traffic safety on and immediately adjoining each motel, hotel or inn and to assure health, safety and welfare of occupants and of the neighborhood

generally, the following land, space, building, traffic, utility, and service design requirements must be met.

1. A green space, not less than twenty-five feet wide, must be maintained with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space must not be used for automobile parking.

2. Hotel building construction plans must be reviewed and approved by the State Fire Marshal's Office prior to Planning Board decision.

**E. Junkyards**

Junkyard must meet all applicable State requirements as stated in MRSA and must not be located within five hundred feet (500) feet of a public or private water supply, with the exception of a supply serving the junkyard or junkyard owners' abutting residence.

**F. Mineral Exploration and Extraction**

The following requirements are consistent with the DEP requirements for related activities. (See Natural Resource-Based Industries).

1. Groundwater and Surface Protection

   a. No excavation may occur between five (5) and two (2) feet of the seasonal high-water table unless sufficiently detailed information is submitted, documenting the position of the seasonal high-water table, to allow the Planning Board to determine that the groundwater will not be adversely affected. No excavation may occur within two (2) feet of the seasonal high-water table.

   b. Petroleum products, or other substances that could contaminate groundwater or surface water, must be stored on the affected land in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes and maintenance activities requiring the handling of hydraulic fluids, as well as any other on-site activity involving the use of products which, if spilled, could contaminate groundwater, must also be conducted in accordance with such plan.

   c. A three-hundred (300) foot horizontal separation must be maintained between the limit of excavation and any predevelopment private drinking water supply. A one-thousand (1,000) foot horizontal separation must be maintained between the limit of excavation, and any water source which qualifies as a public drinking water supply.

d. The borrow pit or topsoil mining operation must not withdraw more than five-thousand (5,000) gallons of groundwater per day.

2. Stormwater Management

a. If the estimated peak rate of stormwater runoff from the affected land is calculated, at any time, to be greater than the predevelopment runoff peak rate in any watershed within the boundaries of the affected land, a detention basin must be designed and constructed to maintain the predevelopment runoff peak rate.

b. The outlet structures of each detention basin must be designed to control 24-hour storms of 25-year frequency. Each detention basin must be constructed with an emergency spillway designed to independently convey the runoff from a 25-year, 24-hour storm event if the primary spillway is blocked or its capacity exceeded.

c. All processing water must be discharged to a sedimentation basin. No chemicals may be used to process borrow.

3. Erosion and Sedimentation Control

a. The working pit may not exceed ten (10) acres, at any one time, in order to limit the potential for erosion and sedimentation damage.

b. Ditches, sedimentation basins, dikes, and other control measures must be used as necessary to prevent sediments from being washed or deposited into classified bodies of water. Each sedimentation basin must be designed and constructed with capacity to detain runoff from a storm of 10-year frequency and 24-hour duration for a minimum of ten (10) hours. Each sedimentation basin must be inspected, and accumulated sediments removed as necessary, to ensure that the design limit for accumulated sediments is not exceeded.

c. Topsoil stockpiles must be seeded, mulched, anchored, or otherwise temporarily stabilized.

4. Natural Buffer Strips

a. A natural buffer strip at least one-hundred and fifty (150) feet wide must be maintained between the borrow pit (affected land) and a public road. A natural buffer strip at least twenty-five (25)

feet wide must be maintained between the topsoil mining operation (affected land) and a public road.

b. A natural buffer strip at least one-hundred and fifty (150) feet wide must be maintained between the affected land and the property boundary. This buffer may be reduced to twenty-five (25) feet with written permission of the abutting property owner. It may be eliminated between abutting properties containing borrow pits or topsoil mining operations with written permission of the abutting property owner.

5. Air Quality: Any dust generated, including dust associated with traffic to and from the working pit, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions so that the particulate standards set forth in 38 M.R.S.A 584-A (1), or as amended are not exceeded. Additionally, the access road to the working pit must be paved for at least fifty (50) feet from the point where it meets the public road or street.

6. Noise

a. A borrow pit or topsoil mining operation may only be operated or reclaimed between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., Monday through Saturday.

b. Hourly sound levels must not exceed the sound level limits set forth in the DEP Site Law 06-096 CMR 375.10, as revised.

7. Solid Waste: Refuse spoils; unused soil stockpiles; stumps and associated debris; and other solid waste generated must be disposed of in accordance with 06-096 CMR 400-409, as revised.

8. Reclamation: The affected land must be restored to a condition or physical state which either is similar to and compatible with that which existed prior to any development, or encourages the future productive use of the land.

a. The borrow pit or topsoil mining operation must be reclaimed in phases so that:

i. the working pit (operation phase) does not exceed ten (10) acres at any time; and

ii. the area being actively reclaimed (reclamation phase) does not exceed fifteen (15) acres at any time.

A single stockpile area, not to exceed five (5) acres, is allowed in addition to the ten (10) acre working pit.

b. Within thirty (30) days of completion of excavation, the side slopes of the borrow pit or topsoil mining operation must be re-graded to a slope no steeper than the ratio of two and one-half (2.5) horizontal to one (1) vertical. Slopes up to two (2) to one (1) vertical may be allowed, if a slope stability analysis is submitted showing that there will be no major failure or sloughing of slopes under construction loads.

c. Haul roads must be reclaimed.

d. Vegetative cover must be established on all affected land. Topsoil must be placed, seeded and mulched within thirty (30) days of final grading.

i. A minimum of four (4) inches of topsoil must be placed on the excavated slopes and surfaces. Two (2) inches of the loam must be mixed or harrowed into the substrate and two (2) inches of the loam must be placed on top. The topsoil must be mixed into the original material to provide a gradual transition between soil layers, and to avoid distinct plains resulting in slope failure. The topsoil must have a soil compaction sufficient to sustain vegetative growth.

ii. Vegetative material used in reclamation must consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture thereof. Plant material, except material for dormant seedings, must be planted during the first growing season following the beginning of the reclamation phase. Selection and use of vegetative cover must take into account soil and site characteristics such as drainage, PH, nutrient availability, and climate.

iii. The vegetative cover is acceptable only if:

(a) the planting of trees and shrubs results in a permanent stand, or stand capable of regeneration and succession, sufficient to assure a seventy-five percent (75%) survival rate; and

(b) the planting of all materials results in ninety percent (90%) coverage.

NOTE: Dormant seeding is defined as seeding done at twice the permanent or temporary seeding rate, and mulched at a rate of two (2) tons per acre. The seed and mulch are applied to bare earth between November 10th and April 15th.

9. The Planning Board must require performance guarantees as prescribed in Article III, Section 9.

## G. Mobile Home Parks

Mobile home parks must be located only in designated Mobile Home Park Overlay Districts as shown on the official Mechanic Falls Zoning Map and must be developed in accordance with the following requirements.

1. General Requirements

   a. The land within the park must remain in a unified ownership and the fee to lots or portions of lots must not be transferred.

   b. No dwelling unit other than a manufactured housing unit must be located within the park.

   c. Each mobile home park owner must establish and enforce regulations governing the conduct of the internal affairs of the park.

2. Standards

   a. Provision of utilities: Municipal sewer and/or water must be extended to a park, at the developer's expense, if lines which are adequate to service the park exist within 1500 feet.

   b. Density

      i. With municipal sewer, the maximum density must be one dwelling unit per each 6500 sq. ft.

      ii. With engineered sewage disposal systems, the maximum density must be one dwelling unit per each 12,000 square feet.

      iii. Without municipal sewer, the maximum density must be one dwelling per each 20,000 sq. ft.

      iv. Maximum density must mean the ratio of dwelling units to acreage suitable for development. The acreage suitable for development must be determined by deducting from the total acreage of the parcel, including but not limited to the following:

(a) Land which is in a 100 year floodplain as designated by the Federal Emergency Management Agency, U.S.G.S. or the Department of Agriculture;

(b) Land which is unsuitable for development in its natural state due to topographical, drainage or subsoil conditions.

(c) Area subject to rights-of-way including but not limited to roads and parking which serve the development;

(d) Land which is located in Shoreland Overlay or Resource Protection District;

(e) Area of the lot covered by surface waters;

(f) Land dedicated to buffer strips as required by subsection 9; and

(g) Land dedicated to recreation or open space as required by subsection 6.

3. Minimum Lot Size

a. With municipal sewer, the minimum lot size must be 6500 sq. ft. and minimum frontage along an interior road must be 55 feet.

b. With engineered sewage disposal systems, the maximum density must be one dwelling unit per each 12,000 square feet.

c. Without municipal sewer, the minimum lot size must be 20,000 square feet if on private septic system.

4. Ground Water Impacts

a. Assessment Submitted. Accompanying the application for approval of any mobile home park which is not served by public sewer must be an analysis of the impacts of the proposed mobile home park on ground water qualify. The hydrogeologic assessment must be prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology and must contain at least the following information.

i. A map showing the basic soils types.

ii. The depth to the water table at representative points throughout the mobile home park.

iii. Drainage conditions throughout the mobile home park.

iv. Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.

v. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation must, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of the developments impact on groundwater phosphate concentrations must also be provided.

vi. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

b. Standards for Acceptable Ground Water Impacts

i. Projections of ground water quality must be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

ii. No mobile home park must increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park must increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

iii. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant must demonstrate how water quality will be improved or treated.

iv. If ground water contains contaminants in excess of the secondary standards, the mobile home park must not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

c. Subsurface wastewater disposal systems and drinking water wells must be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards must be included as a note on the Plan.

d. No subsurface sewage disposal system may serve more than four manufactured housing units.

5. Parks With Less than 60 Ft. between Units: For parks where there will be less than sixty (60) feet between units, the following requirements must be met:

a. Each manufactured housing unit must be served by a centralized water system(s);

b. Sufficient water for fire fighting must be provided either by a centralized water supply system or by the fire ponds with dry hydrants. No homes must be located over 600 feet from either pressurized or dry hydrants

6. Open Space Area: An area no less than 10% of the total area of those lots with a lot area of 10,000 square feet or less must be reserved as open space. This area reserved as open space must be suitable to be used for recreational purposes. Generally, the reserved open space must have slopes less than 5%, must not be located on poorly or very poorly drained soils, and must be accessible directly from roads within the park. The Planning Board may waive the requirement for open space when the park is located within one half mile of a publicly owned recreation area.

7. Lots Less than 70 Ft. Wide: Lots, if less than seventy (70) feet wide must be limited to single-wide mobile or manufactured homes (no more than fifteen (15) feet wide).

8. Road Design, Circulation and Traffic Impact

a. Roads must be designed by a Professional Engineer, Registered in the State of Maine. Roads must be designed in accordance with the on-site soil conditions, good engineering practice, and must have a 23-foot right-of-way and a 20 foot pavement width. Roads must be privately owned and maintained and must be conditioned to remain in private ownership. All roads must be constructed in accordance to Town Road Standards with the exception of pavement width and right-of-way.

b. Lots may not have vehicular access to existing public roads.

c. Roads, including intersections with existing streets, must be designed to provide safe traffic conditions for vehicular and pedestrian traffic.

d. Park egress and exit points must not increase congestion on existing public roads.

e. Any mobile home park expected to generate average daily traffic of 200 trips per day or more must have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more, must have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

f. The intersection of any street within a park and an existing public street must meet the following standards.

i. Angle of intersection. The desired angle of intersection must be 90 degrees. The minimum angle of intersection must be 75 degrees.

ii. Maximum Grade within 75 feet of intersection. The maximum permissible grade within 75 feet of intersection must be 2 percent.

iii. Minimum Sight Distance. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road must be provided. Sight distances must be measured from the drivers seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/4 feet.

iv. Distance from other intersections. The centerline of any street within a park intersecting an existing public street must be no less than one-hundred twenty-five (125) feet from the centerline of any other street intersecting that public street.

g. The application must contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation must be based on the "Trip Generation Manual, 1987 edition", published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application must

also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

h. On-street parking must be prohibited unless an eight foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.

9. Unit Setback Requirements

a. On lots 10,000 square feet in area or larger, structures must not be located less than 15 feet from any boundary lines of an individual lot. On lots less than 10,000 square feet in area, structures must not be located less than 10 feet from any boundary lines of an individual lot.

b. On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within a shoreland zoning district, structures must meet the front setback and setback from the high water mark requirements in the dimensional requirements, shown in Table 2.

c. If a park is proposed with a residential density of at least twice the density of adjacent development in existence, or at least twice the density permitted in the underlying zoning district in which the park is located if the neighboring land is undeveloped the park must be designed with a continuous landscaped area not less than fifty (50) feet in width which must contain no structures or streets. The first twenty-five (25) feet of the buffer strip, as measured from the exterior boundaries of the park must contain evergreen shrubs, trees, fences, walls or any combination which forms an effective physical barrier to be located on all exterior lot lines of the park except that driveways must be kept open to provide visibility for vehicles entering and leaving.

d. Homes and other structures must be set back from lot lines with abutting properties at a distance equal to that required for single family homes in the underlying zoning district in which the park is located.

e. Homes must not be placed such that they are within forty (40) feet of another home or other principal structure.

f. Homes and other structures in setback from existing public roads a distance equal to greater than the front setback

distance required in the underlying zoning district in which the park is located.

g. Sidewalks are required and must be three (3) feet wide and paved.

10. Lots in Shoreland or Aquifer Management Overlay Districts: Any portions of a lot falling within a Shoreland Overlay District or the Aquifer Management Overlay District must also meet the requirements of the District.

11. Storage: At least 300 cubic feet of enclosed tenant storage facilities must be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

12. Parking Requirements

a. For each mobile home lot there must be provided and maintained at least two (2) off-street parking spaces. Each parking space must contain a minimum area or 200 square feet with minimum dimensions of ten (10) feet by twenty (20) feet. This requirement may be waived if an equivalent number of spaces is provided by a parking lane.

b. In addition to occupant parking, off-street guest and service parking must be provided within the boundaries of the park at a ratio of one (1) space for each mobile home lots. Such parking must be hard-surfaced and the spaces must be reserved for that sole use. This requirement must be waived if the parking lane provides an equivalent number of spaces.

13. Utility Requirements: All mobile home parks must provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations. Underground utilities are encouraged.

14. Lighting: Outdoor lighting must be provided to adequately illuminate internal streets and pedestrian walkways. Lights must be sized and directed to avoid adverse impact on adjacent properties.

15. Signs: Signs and advertising devices are prohibited in a mobile home park except:

a. One (1) identifying sign at each entrance of the mobile home park no larger than 24 square feet, which may be indirectly lit, but not flashing.

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

c. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road must be no more than ten (10) square feet and must be limited to two (2) signs per mobile home park.

d. Mobile/manufactured homes address signs.

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

16. Storm Drainage: A storm drainage plan must be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a twenty-five (25) year storm.

17. Park Administration: The owner or operator of a mobile home park must be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management must conform to state laws.

Each mobile home must be prominently numbered in an orderly and conspicuous manner. Each number must not be less than three (3) inches.

Compliance with this Ordinance must not exempt the park owner, developer, or manager from complying with other applicable local, state and federal codes and regulations.

18. Conversions of Mobile Home Parks: No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Mechanic Falls Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements of this Ordinance.

19. Permit Term and Change of Ownership: All conditional use permits for mobile home parks must expire upon a change in ownership of the mobile home park, unless sooner suspended or revoked, within thirty (30) days of the change of ownership. The new owner must apply for a continuation of the mobile home park permit and submit any information, requested by the Planning Board.

A new permit must be issued unless the information indicates the new owner or plan will not comply with the terms and conditions of the prior permit and approved plans.

20. Recording: Within ninety (90) days of final Town action, the Mobile Home Park plan must be recorded at the Androscoggin County Registry of Deeds, filed with the Town Clerk and must include any other restrictions, notes or conditions of approval.

**H. Multi-Family Development**

The following apply to all multi-family developments.

1. No more than 4 dwelling units may be contained in any structure.

2. An adequate water supply must be provided to the development for fire fighting purposes. Wet or dry fire hydrants or fire ponds must be located so that they are not more than five-hundred (500) feet from any building, as fire hose is laid on the street.

3. All developments containing fifteen (15) or more dwelling units may be required by the Planning Board to have more than one street access for emergency and safety purposes. No more than two (2) accesses must be allowed on any single street or roadway.

4. A vegetative buffer strip, not less than twenty-five (25) feet wide must be maintained with grass, bushes, flowers, or trees along all lot lines (except for entrance and exit driveways). Such buffer strip may not be built on or paved or used for parking or storage. There must be no removal of trees over 4 inches in diameter within this buffer. Vegetation may be retained in its natural state, although tree planting must be permitted as a matter of right.

5. All multi-family developments of ten (10) dwelling units or more must provide a developed open recreation area of no less than five-hundred (500) square feet per dwelling unit.

6. The owner(s) must be responsible for rubbish disposal, snow removal, and site maintenance.

**I. Subdivisions**

The following apply to all subdivisions as defined by this Ordinance in addition to the other general performance requirements and standards of this Ordinance.

1. Lots

   a. Wherever possible, side lot lines must be perpendicular to the street.

b. The subdivision of tracts into parcels with more than twice the required minimum lot size must be laid out in such a manner as will either provide for or preclude future division. Deed restrictions and notes on the plan must either prohibit future divisions of the lots or specify that any future division must constitute a revision to the plan and must require approval from the Board, subject to the criteria of the Subdivision Statute, the standards of these regulations and conditions placed on the original approval.

c. If a lot on one side of a stream, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size.

d. No lots in any subdivision may access directly onto an existing State or Town road, unless approved otherwise by the Planning Board.

e. In addition to the above, all subdivisions are required to meet the requirements of 30-A MRSA, Sec. 4404.13.

2. Roads: All roads within subdivision must meet or exceed the Town Road Standards, as shown in Article IV, Section 4.

The road and lot layout must be adapted to the topography. Extensive grading and filling must be avoided as much as possible.

The Planning Board, on the advice of the Road Commissioner, may, for vehicles involved in the construction of the subdivision, specify the travel flow of heavy vehicles to and from the subdivision and the maximum vehicle loading permitted in Town roads connecting to the subdivision. The subdivider must repair or pay for the repair of any damage to Town roads resulting from the travel of heavy vehicles, as determined by the Road Commissioner.

When a subdivision abuts a road with high traffic volume, the Board may require the subdivider to construct a loop road at the entrance to the subdivision so that a school bus or other vehicle can be driven off the main road to pick up or discharge passengers safely, persons may deliver and receive mail, or for similar reasons.

**J. Yard Sales** (05/07/01)

Yard sales shall be permitted on any lot containing a residential unit or any lot where all proceeds benefit a non-profit organization, for no more than four (4) consecutive days and no more than eight (8) days in a thirty (30) day period.

Yard sale items may not be displayed or stored, where they would be visible from the street, on days when a sale is not occurring.

**K. Farm Market** (09/07/2010)

Farm Markets shall be permitted on public property without having to obtain a permit, for no more than three (3) consecutive days and no more than twelve (12) days in a thirty (30) day period.

Farm Market stands and items may not be on display or stored on public property on days that the market is not occurring.

If a Farm Market is to be held on private property, a Mobile Vendors License is needed.

**L. Adult Entertainment** (04/04/2011)

The following apply to all adult entertainment developments.

1. Nude Entertainment is prohibited in all zoning districts.

2. Adult Entertainment is prohibited in the Rural, General Residential, Downtown Business 1, Downtown Business 2, Downtown Business 3, General Industrial, General Development and Special Commercial zoning districts.

3. A Special Exception Permit may be granted by the Planning Board for an Adult Entertainment establishment in the Highway Commercial zoning district. The following requirements shall apply to an Adult Entertainment Establishment:

   a. The premises concerned must not be located within 250 feet of the nearest residential property which is located within a residential zoning district established in this Ordinance, as measured in a straight line from the premise's nearest boundary to such property.

   b. The premises concerned must not be located within 500 feet of the nearest property line of a pre-existing public or private school, school dormitory, or school ground, daycare center, daycare home, public playground, or public park, as measured in a straight line from the premise's nearest boundary to the property line.

   c. The premises concerned cannot consist of residential apartments or other dwelling units, whether or not occupied.

4. Performers must wear opaque clothing that does not allow exposure of the pubic area, anus, buttocks, male or female genitals, or any portion of the female breast referred to as the areola or nipple.

5. No person under the age of 18 years shall be employed in any capacity upon the premises of an Adult Entertainment establishment.

6. No person under the age of 18 years shall be permitted to enter an Adult Entertainment establishment as a customer or patron.

7. There shall be no physical contact on the premises between patrons and performers. For the purposes of this subsection, physical contact does not include incidental touching between a performer and patron, but does include contact that occurs if a patron is giving a monetary tip to a performer. In no case shall incidental contact be deemed to include physical contact otherwise prohibited by law.

8. Changing rooms and toilet facilities for performers must be separate from any area of the premises to which the public will have access.

9. An adult entertainment establishment cannot be located within 5 miles of an existing adult entertainment establishment, as measured in a straight line from the premises to the property line of the nearest existing adult entertainment establishment.

10. The provisions of this section shall not apply to theaters, dinner theaters, licensed movie theaters or similar establishments which are primarily devoted to theatrical performances or the presentation of movies, provided that any displays of live nudity within such theaters, dinner theaters, licensed movie theaters or similar establishments shall be limited to performances by bona fide stage actors.

**M. Medical Marijuana Related Activities**

1. Registered Dispensary

   a. Shall comply at all times and in all circumstances with the provisions of State Law.

   b. Only one (1) registered dispensary shall be permitted in the Town of Mechanic Falls.

   c. Registered Dispensaries are prohibited in the Rural, General Residential, Downtown Business 1, Downtown Business 2, and Downtown Business 3 zoning districts.

   d. A Conditional Use permit shall be granted by the Planning Board for a Registered Dispensary in the General

Development, Highway Commercial, Special Commercial, and General Industrial zoning districts and shall be issued in the name of the Dispensary and the name of the principal owning a security interest in the dispensary. The following requirements shall apply to a Registered Dispensary:

i. A dispensary shall not be located within 500 feet of the property line of a pre-existing public or private school, school dormitory, school ground, daycare center, daycare home, public playground, or public park, as measured in a straight line from the premises to the property line.

ii. A dispensary shall not be located on the same property that contains residential apartments or other dwelling units, whether or not occupied.

iii. A dispensary that is required to obtain a license for the preparation of food pursuant to M.R.S.A. Title 22, section 2167, shall obtain a Victualer's License from the Town Clerk of Mechanic Falls prior to preparing goods containing marijuana for consumption by a registered patient.

iv. Permit shall terminate upon the sale, lease, demise or other transfer of the property, or the transfer of a controlling interest in the dispensary.

2. Registered Primary Caregiver Operation

a. Shall comply at all times and in all circumstances with the provisions of State Law.

b. Registered Primary Caregiver Operations are prohibited in the General Residential, Downtown Business 1, Downtown Business 2, and Downtown Business 3 zoning districts.

c. A Use Permit may be granted by the Code Enforcement Officer for a Registered Primary Caregiver Operation in the Rural, General Development, Highway Commercial, Special Commercial, and General Industrial zoning districts. The following requirements shall apply to a Registered Primary Caregiver Operation:

i. The Permit shall be issued to the Registered Primary Caregiver Operation and to the Principal person owning a controlling interest in the Registered Primary Caregiver Operation, if applicable.

ii. It shall not be located within 500 feet of the property line of a pre-existing public or private school, school dormitory, school ground, daycare center, daycare home, public playground, or public park, as measured in a straight line from the premises to the property line.

iii. Shall not take place on a property that contains a two-family dwelling or a multi-family dwelling.

iv. May be operated in a single family dwelling provided the following is met:

1. It must be carried out without: creating a nuisance; altering the residential character of the structure or neighborhood; or changing the character of the lot from its principal use as a residence, and must be clearly incidental and secondary to the residential use of the dwelling.

2. It must be carried on wholly within a principal or accessory structure. There must be no outside storage or display of materials, products or equipment.

3. It may be carried on in an area not to exceed 500 square feet.

4. It is the residence of the Primary Caregiver.

5. The single family dwelling does not contain an accessory dwelling unit.

6. All Use Permits issued pursuant to the adoption of this section shall terminate upon the sale, lease, devise or other transfer of the property by the Permit Holder, or of the transfer of a controlling interest in the Permit Holder.

7. They shall keep marijuana plants in an enclosed, locked facility not visible from outside of the premises where the plants are grown to deter and prevent unauthorized entrance into areas containing marijuana and the theft of marijuana at the registered primary caregiver operation, unless the plants are being transported because the primary caregiver is moving.

## SECTION 6. BUILDING CODE

**The following standards apply to all buildings and structures constructed, after the effective date of this Ordinance.**

### A. Minimum Construction Standards (05/01/00)(12/01/2010)

All building materials used and practices followed in the construction of buildings must conform to generally accepted standards of good practice. This ordinance shall use the following recognized codes for reference and enforcement, (as amended through December 1, 2010)

- Maine Uniform Building and Energy Code
- 1999, National Electric Code
- 2009, Uniform Plumbing Code
- August 1, 2009, Maine Subsurface Waste Water Disposal Rules
- 2000, N. F. P. A. 101 Life Safety Code (02/07/05)
- 1996, N. F. P. A. 211 Standards for Fuel Burning Appliances
- 1993, N. F. P. A. 1231 Water supplies for Suburban and Rural Fire Fighting
- September 1, 1991, Mechanic Falls Housing Code

### B. Foundations

All foundations must rest upon undisturbed or compacted earth or directly on ledge-rock. Masonry walls must be no less than eight (8") inches in thickness and rest upon reinforced concrete footings as thick as the walls they support and twice as wide. All footings must be placed at least one foot (1') below the frost line, along with all concrete pads for lally columns, piers and posts, whether interior or exterior. Steel anchor bolts must be placed every four feet (4') along the top of the foundation to secure the structure firmly to the foundation.

Concrete slab foundations must be at least six inches (6") in thickness and reinforced with 6" x 6" steel mesh or rebar. Manufactured home slab foundations must be solid (not perimeter foundation) and of the same or greater dimensions (sq. footage) as the Mobile Home unit.

Alternatives to masonry foundations will be considered if it can be shown that the alternative design is at least equal in strength and durability to a masonry design.

### C. Exterior Finish

The exterior walls may be finished with a covering of clapboards, wood siding, wood or asphalt shingles, masonry, brick, stone, vinyl, aluminum or other approved material. Such covering must be completed within twelve (12) months after the outside studding is in place. Tarred paper, "house"

wrap, tarred felt or similar substances may not be used unless completely hidden from view by the finished exterior wall covering within the twelve (12) month time limit as above.

## D. Roof Covering

The roof must be covered with materials which are non-combustible or fire-resistant, and which will remain so during their useful life. Fire-resistant materials must have at least a Class C fire-resistance rating as determined in accordance with ASTM test standard E108-75, NFPA test standard 256, or other equivalent standard.

## E. Chimneys

Chimneys must be constructed in conformance with N.F.P.A. 211, 1999, of solid masonry units or reinforced concrete with walls not less than four inches thick, or other materials approved by the State Fire Marshall.

1. Chimney Liners: Chimneys must be lined with approved fire clay or tile flue liners, or other approved material.

2. Chimney Supports: Chimneys must be supported on foundations of masonry or reinforced concrete which, if on the exterior of the building, must extend to one (1) foot below the normal frost line.

3. Chimney Height: Chimneys must extend at least three (3) feet above the highest point of roof penetration, and at least two (2) feet above the highest point of the roof within ten (10) feet horizontally of the chimney.

4. Chimney Clean out Doors: Every chimney must be provided with a clean out opening at or near the base equipped with a metal door and frame arranged to remain tightly closed when not in use.

## F. Wood burning Stoves and Stovepipe

Wood burning stoves and stovepipe must be installed safely, in a manner consistent with the manufacturer's recommendations and the "Recommended Standards for the Installation of Wood burning Stoves", as revised, prepared by the State Fire Marshall's Office.

## G. Fireplaces

The back and sides of a fireplace must be of solid masonry or reinforced concrete not less than eight inches of thickness and lined with firebrick at least two (2) inches thick. A fireplace must have a hearth of non-combustible material that is supported by a fire-proof slab or brick trimmer-arch and must

extend at least twenty (20) inches beyond the sides of the fireplace opening. The minimum combined thickness of the hearth and its supporting constructions may not be less than six (6) inches. This Section does not prohibit the use of "heatilator"-type fireplaces.

**H. Electrical Installations**

Any building having electricity must have a safe and adequate electrical service, all work to be done throughout in accordance with the 1999 National Electrical Code. No electrical wiring may be covered or concealed until it has been inspected and permission to conceal it has been given by the Electrical Inspector.

**I. Plumbing**

All plumbing and sewage disposal must be in strict conformance with the State of Maine Law and the State Plumbing Code.

**J. Means of Exit**

Buildings built or used for human occupancy must have at least two (2) suitable means of exit and meet the other requirements of NFPA 101.

**K. Size of Dwelling**

Each single-family dwelling, and any seasonal camp occupied more than three (3) months per year, constructed or located within Mechanic Falls must have a minimum gross floor area of 600 square feet (calculated from the exterior dimensions of the dwelling's structure).

**L. Use of Camping Trailers (RV's)**

The use of camping trailers, recreational vehicles and campers, so called, may be permitted without a permit only in properly authorized and licensed camping grounds, or on private land if the landowner has granted written permission for the occupancy and:

1. The occupancy is for less than thirty (30) days within a calendar year, or;

2. If the occupancy is for more than thirty (30) days, there is adequate provision for proper disposal of sewage and other wastes associated with the parked vehicle.

**M. Manufactured Homes (as defined under 30-A MRSA Section 4358)**

1. The minimum width of the manufactured home as installed on the site is eleven feet, six inches (11'6").

2. All manufactured housing units that move into the Town must comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, as revised.

3. The exterior wall surface must be covered with materials similar to conventional residential siding.

4. Each manufactured home must have a foundation that meets the requirements of Subsection B above.

5. Each manufactured home must have either a permanent, continuous connection with its foundation (around its perimeter), or must have continuous skirting or some other type of enclosure, which completely encloses the area between the manufactured home and the ground.

6. All mobile homes shall be anchored to the foundation or slab by attaching the frame to six (6) inch eye bolts, set at each of the four corners of the foundation or slab with ¼ inch steel cable or equivalent. (05/07/01)

**N. Swimming Pool Standards**

1. Placement Requirements: No swimming pool may be constructed closer than ten (10) feet from the side or rear lot line to the water line of said swimming pool. If said swimming pool is located on the street side, it may not be located closer than thirty (30) feet from the front lot line to the water's edge of said swimming pool.

2. Enclosures

   a. There must be erected and maintained around every outdoor swimming pool, a good quality fence or wall, no less than four (4) feet in height and of a character to exclude children. The exterior walls of an above ground pool may serve as the required fence, if the following conditions are satisfied:

      i. The resulting enclosure is of sturdy construction and meets the intent of this section;

      ii. All stairs, ladders and ramps are be secured, removed, fenced or otherwise made inaccessible when not in actual use; and

      iii. The pool walls are free of any construction feature or appurtenance, which could be used to facilitate access to the pool.

Required fencing must be so constructed as not to have openings, holes, or gaps larger than four (4) square inches, except for fences constructed of vertical posts or louvers, in which case, the openings may not be greater than four (4) inches in width to a height of four (4) feet, with no horizontal members between the top and bottom plates. Doors and gates are excluded from the minimum dimension requirements. A dwelling house or accessory building may be used as part of such enclosure.

b. All gates or doors opening through such enclosures must be equipped with a self-latching device for keeping the gate or door securely locked at all times when not in use.

c. Any view-obstructing fence may not be closer than fifteen (15) feet from any street lot line.

3. Electrical Connections and Outlets: All electrical connections to the swimming pool and to electrical fixtures or outlets within the enclosed area established in section 2, must meet the requirements of the National Electrical Code, as amended, for swimming pools.

4. Other Pools: Any other outdoor pool not covered by this section must be fenced, drained or covered when not in use.

## SECTION 7. RENTAL HOUSING STANDARDS

**The following standards shall apply to dwelling units, which are rented or leased.**

### A. General Provisions

#### 1. Purpose of the Code

The purpose of this Code is to establish minimum standards for all rental dwellings and property incident thereto in the Town of Mechanic Falls to insure safety, health and public welfare through the property construction, maintenance and use thereof.

#### 2. Conformance to Code

No rental dwelling or rental dwelling unit shall be deemed to conform to the requirements of this Code unit it meets all the minimum standards of the code as specified herein.

#### 3. Compliance to Code

It shall he unlawful to construct, alter, maintain, occupy, let for occupancy, or

use a building or structure, or part thereof, in violation of the provisions of this Code.

### 4. Validity of Other Laws

Nothing in the code shall be construed to prevent the enforcement of other laws, which prescribe more restrictive limitations.

### 5. Validity of Code

If any section or part thereof of this chapter is held invalid by the court, the remainder of the chapter shall not be affected thereby.

### 6. Exceptions to Code Permitted

In seasonal dwellings, mobile, homes or in areas where public water and/or sewerage systems are not available, the Code Enforcement Officer shall upon application grant an exception for the use of buildings for dwelling purposes which do not meet the minimum standards set forth in this code when he determines that it is not feasible or practicable to comply with such minimum standards and further determines that the safety, health, or general welfare of the occupants and the public will not be adversely affected and also determines that the effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

### 7. Procedure for Granting Exceptions

The Code Enforcement Officer shall issue such exceptions in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises. No such exceptions shall be granted for a period of more than five years. Any exception may he renewed one or more times, upon application to the Board of Appeals. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

## B. Inspections

### 1. Code Enforcement Officer Authorized to Make Inspections

The Code Enforcement Officer is hereby authorized to make inspections to determine the condition of rental dwellings, rental dwellings units, rooming houses, rooming units and premises located within this Town of Mechanic Falls in order that he may perform his duty of safeguarding the health and safety of the occupants of rental dwellings and of the general public.

### 2. Code Enforcement Officer Authorized to Enter Premises

For the purpose of making such inspections, the Code Enforcement Officer is

hereby authorized to enter, examine, and survey any or all rental dwelling units, rooming houses, rooming units, and rental premises at any mutually agreeable time but in any case within twenty (20) days of notice to the owner or occupant of the intention to make such an inspection.

### 3. Owner and Occupant to give Free Access to Code Enforcement Officer

The owner and occupant of every rental dwelling, rental dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the Code Enforcement Officer free access to such rental dwellings, rental dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time for the purpose of such inspection, examination, or survey, but in any case within twenty (20) days of notice to the owner or occupant of the intention to make such and inspection examination, or survey.

### 4. Occupant to Give Free Access to Owner

Every occupant of a rental dwelling, rental dwelling unit, lodging house, and rooming unit shall give the owner thereof, or his agent or employee, access to any part of such rental dwelling, rental dwelling unit, lodging house, rooming unit or rental premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant to the provisions of this chapter.

## C. Enforcement

### 1. Method of Enforcement

Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

a. Be put in writing;

b. Include a statement of the reasons why it is being issued;

c. Set a reasonable time for the performance of any act it requires;

d. Be served upon the owner or his agent, or the occupant as the case may require; provided such notice shall be deemed to be properly served such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling hours or usual place of abode with some person of suitable age and discretion then residing therein; or if a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the Tax Assessor's Office of the Town of Mechanic Falls; and if service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall he filed in the office of the Code Enforcement Officer;

e. Such notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter;

f. After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the Code Enforcement Officer that such corrective action has been taken.

**2. Method of Petitioning for Hearing**

Any person affected by any notice, which has been issued in connection with the enforcement of any provision of this chapter, may request and shall be granted a hearing on the matter before the Board of Appeals; provided that such person shall file in the office of the Town Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten days after the day the notice was served. Upon receipt of such petition, the Board of Appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail. At such hearing, the Board of Appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn. The hearing shall be commenced not later than thirty (30) days after the day on which the petition was filed; provided that upon application of the petitioner the Board of Appeals may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

**3. Power of Board of Appeals to Alter Notice**

After such hearing, the Board of Appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the Board of Appeals sustains or modifies such notice, it shall he deemed to be an order. Any notice served pursuant to Section 1 of this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Board of Appeals within ten (10) days after such notice is served. There shall he an appeal from the Board of Appeals to the Superior Court.

4. **Recording of Public Hearing**

The proceedings at such hearing, including, the findings and decisions of the Board of Appeals, shall he summarized, reduced to writing, and entered as a matter of public record in the office of the Town Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter.

**5. Notice of Sale**

Any person who proposes to sell, transfer or otherwise dispose of lease or sub-let any rental dwelling unit, lodging house, rooming unit, or other rental premises against which there is any existing lawful order of the Code Enforcement Officer or the Board of Appeals or any Court of competent jurisdiction shall furnish the proposed Grantee or Transferee a true copy of such order arid shall notify the Code Enforcement Officer in writing of the intent to so sell, transfer, or otherwise dispose of lease or sub-let in writing giving the

name and address of the of the person to whom such transfer is proposed within three days of the proposed transfer. Any person who violates the terms of this section shall he in violation of this chapter and shall be subject to a penalty or fine of not less than $50 and not more than $100 to be enforced by complaint in a court of competent jurisdiction.

**6. Rental Dwellings to be Placarded**

If the person so affected fails to appeal to the Board of Appeals or if after an appeal, the Board of Appeals sustains the decision of the Code Enforcement Officer, the rental dwelling, rental dwelling unit, lodging house, or rooming unit so affected my be declared unfit for human habitation and placarded by the Code Enforcement Officer. To placard, the Code Enforcement Officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the Code Enforcement Officer may deem reasonable, but not less than seven (7) clays, and a placard prohibiting continued occupancy or re-occupancy may he conspicuously posted on the premises, and a copy of such notice may he filed with the Police Department.

a. Use of Placarded Buildings Prohibited

No rental dwelling or rental dwelling units, lodging house or rooming unit which has been placarded as unfit for human habitation until written approval is secured from, and such placard is removed by, the Code Enforcement Officer. The Code Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.

b. Removal of Placards Prohibited

No person shall deface or remove the placard from any rental dwelling, or rental dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

**7. Premises to be Vacated**

In instances where the Health Officer, Fire Chief, and Chief of Police, or their duly qualified deputies, determine in writing, filed in the office of the Code Enforcement Officer, that extreme danger or menace to the occupants or the public health exists, the Code Enforcement Officer may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises in accordance with the regulations set out in Section C.6.

**D. Penalties**

Any person violating any of the provisions of this chapter or failing to comply with any lawful order or direction of the Code Enforcement Officer in the enforcement of this chapter shall he guilty of a misdemeanor and shall upon conviction he subject to a fine of not more than $100 for each day of such violation.

## E. Definitions

For the purposes of this chapter, the following terms, phrases and words shall have the meaning given herein.

### 1. Basement

That portion of a building below the first floor joists having at least one—half of its clear ceiling height above the main level of the adjacent ground.

### 2. Code Enforcement Officer

The legally designated housing inspector of the Town of Mechanic Falls or his authorized representative.

### 3. Chief of Police

The legally designated head of the Police Department of the Town of Mechanic Falls or his authorized representative.

### 4. Dwelling (Rental) or Rental Dwelling Unit

A building or portion thereof arranged or designed to provide living facilities for one or more families.

### 5. Dwelling (Rental) Unit

A room or group of rooms located within a building and rooming a single habitable unit, physically separated from any other rooms or dwelling units, which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall he consider hoarding/lodging units.

### 6. Extermination

The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Health Officer.

### 7. Fire Chief

The legally designated head of the Fire Department of the Town of Mechanic Falls or his authorized representative.

### 8. Garbage

The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

**9. Habitable Room**

A room or enclosed floor space used or intended to be used for living, sleeping cooking or eating purposes excluding bathrooms, water closed compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

**10. Health Officer**

The legally designated health authority of the Town of Mechanic Falls, or his authorized representative.

**11. Infestation**

The presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other parts.

**12. Meaning of Certain Words**

Whenever the words “dwelling”, “dwelling unit”, “lodging house”, “rooming unit”, or “premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof”.

**13. Manufactured Housing**

A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may he purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes.

Mobile Homes, Older — any factory-built home which fails to meet the definition of manufactured housing and more specifically, it shall mean any mobile home constructed prior to June 15, 1976.

**14. Mobile Home Park**

A parcel of land under single ownership which has been planned and improved for the placement of not less than 20 mobile homes for non-transient use.

**15. Multiple Dwelling**

Any dwelling containing more than three dwelling units.

**16. Occupant**

Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

**17. Operator**

Any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let; or of an area where spaces are let for mobile homes.

**18. Owner**

Any person who, alone or jointly or severally with other:

a. Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or,

b. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner, Any such person thus representing the actual owner shall be hound to comply with the provisions of this chapter of this chapter to the same extent as if he were the owner.

**19. Person**

Any individual, firm, corporation, association, or partnership.

**20. Plumbing**

All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pies, water closets, sinks, installed dishwasher, lavatories, bath tubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas line.

**21. Rooming House**

Any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

**22. Rooming Unit**

Any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping but not for cooking or eating purposes.

**23. Rubbish**

Combustible and non-combustible waste materials except garbage; and the term shall include but not necessarily he limited to the residue from the

burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery dust and others

**24. Summer Camps**

Seasonal dwelling units intended for and actually used for single—family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed thirty (30) days.

**25. Supplied**

Paid for, furnished, installed or provided by or under the control of the owner or operator.

**26. Temporary Housing**

Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

## F. Minimum Standards for Structural Elements

**1. General Requirements**

All structures and structural elements shall be in accordance with the requirements of the Building Code adopted by the Town of Mechanic Falls. (02/07/05)

**2. Maintenance**

All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

## G. Minimum Standards for Plumbing

**1. General Requirements**

All plumbing facilities shall he in accordance with the requirements of the State of Maine State Plumbing Code.

**2. Maintenance**

All plumbing facilities required by this Code shall he maintained in good sanitary working condition: water-related plumbing facilities required by this Code shall be connected to an adequate supply of water.

### 3. Kitchen Sink Required

Every dwelling unit shall contain a kitchen sink.

### 4. Flush Water Closet Required

Every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin.

### 5. Bathtub or Shower Required

Every dwelling unit shall contain, within a room which affords privacy, a bathtub or shower.

## H. Minimum Standards for Heating and Ventilation

### 1. General Requirements

All heating and ventilating facilities shall be in accordance with the requirements of the Building Code as adopted by the Town of Mechanic Falls. (02/07/05)

### 2. Maintenance

All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.

### 3. Requirements when Central Heating Plant Not Available

When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the Basic Building code to permit the use of heating equipment capable of providing heat as required by this section.

### 4. Heating Facilities Required in Let Dwellings

Every habitable room, let for occupancy, excepting rooms used primarily for sleeping purposes, shall he served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet above floor level, as required by prevailing weather conditions from September 15 through May 15 of each year.

### 5. Ventilation

Every habitable room shall have a window or windows with a total sash area equal to at least 8% of its floor area opening on a street, alley, yard, or court open to the sky and constructed so that at least one half of the sash area can he opened, except that an approved method of mechanical ventilation may be substituted for such window or windows.

## I. Minimum Standards for Lighting & Electrical Installations

### 1. General Requirements

All lighting and other electrical facilities shall be in accordance with the requirements of the National Electrical Code by the National Fire Protection Association, as adopted by the Town of Mechanic Falls.

### 2. Maintenance

All lighting and other electrical facilities shall be maintained in good, safe, and suitable electrical order.

### 3. Lighting In Passageways and Common Stairways

Every passageway and stairway shall have at least one ceiling—type or wall—type electric light fixture adequate to provide safe passage.

## J. Minimum Standards for Sanitation

### 1. Garbage and Rubbish

a. Disposal of Garbage and Rubbish
Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner.

b. Rental Dwelling Units to be Free of Refuse

Every rental dwelling shall be clean and free from garbage or rubbish. When a rental dwelling or rental dwelling unit is not reasonably clean or free from garbage or rubbish, the Code Enforcement Officer may cause the responsible person to put the rental dwelling or rental dwelling unit in a clean and sanitary condition. Every owner of rental property shall provide his tenants with suitable waste containers.

### 2. Insect and Rodent Control

a. Owner Responsible for Extermination in Multiple Dwellings

Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

b. Occupant Responsible for Extermination

Every occupant of a dwelling containing a single dwelling unit shall he responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

c. In the Case of a Bedbug Infestation (10/04/2010)

1. Landlord duties. A landlord has the following duties.

a. Upon written or oral notice from a tenant the landlord shall within 5 days conduct an inspection of the unit for bedbugs.

b. Upon a determination that an infestation of bedbugs does exist in a dwelling unit, the landlord shall within 10 days contact a pest control agent and shall take reasonable measures to effectively identify and treat the bedbug infestation.

c. A landlord may not offer for rent a dwelling unit that the landlord knows or suspects is infested with bedbugs.

2. Tenant duties. A tenant has the following duties.

A tenant shall promptly notify a landlord when the tenant knows of or suspects an infestation of bedbugs in the tenant's dwelling unit.

## K. Minimum Standards for Space and Occupancy

### 1. Floor Space Requirements

The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.

### 2. Ceiling Heights

At least one half of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

### 3. Use of Basement

No basement space shall he used as a habitable room or dwelling unit unless it conforms to the building code adopted by the town as indicated in Article IV. Section 6.A of this ordinance concerning means of egress, light and ventilation. (02/07/05)

## L. Minimum Standards for Safety

### 1. General Requirements

The construction, use and occupancy of all dwellings shall be in accordance

with the Building Exits Code and the Fire Prevention Code by the National Board of Fire Underwriters, as adopted by the Town of Mechanic Falls.

**2. Adjacent Occupancies**

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids, or producing toxic gases or vapors in any quantity, which may endanger the lives or safety of the occupants.

**3. Exits**

Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.

**4. Obstructions to Passage**

Every hallway, stairway, corridor, exit, fire escape door, or other means of egress shall he kept clear of obstructions at all times.

## SECTION 8. ACCESSORY DWELLING UNITS

### A. Purpose

The purpose of this provision is to permit the creation of a single, subordinate dwelling unit within and incidental to an existing single family dwelling where the character of the single-family home and its surrounding neighborhood will be maintained. The creation of a subordinate accessory dwelling unit within a new single-family dwelling is also permitted. An accessory dwelling unit is intended to be a separate living unit within a single-family home.

### B. Creation of Accessory Dwelling Units

Accessory dwelling units are allowed with a Use Permit provided the following criteria are met:

1. Accessory dwelling units must be attached to the single-family structure. Accessory dwelling units are not allowed in detached accessory structures.

2. Any exterior alteration must preserve the single-family appearance, architectural style, and character of the original structure and must be in harmony with the design of the original structure and the general appearance of the neighborhood. Any exterior alteration must preserve the front entrance of the original structure, in order to maintain the single-family appearance and architectural style of the structure, although a secondary entrance which serves the accessory dwelling unit may be permitted. Any secondary entrance must not detract from the main entrance and must not be located on the face of the building where the main entrance is located.

3. Only one accessory dwelling unit is permitted per lot.

4. No accessory dwelling unit is permitted where a variance is required.

5. Accessory dwelling units are not allowed for any non-conforming structure or use, where the non-conformity is due to the use of the premises, as opposed to non-conforming dimensional standards.

6. After completion, the accessory dwelling unit must have at least 300 square feet of floor area but shall not exceed 600 square feet in size.

7. Any request for an accessory dwelling unit must conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory dwelling unit until a site evaluation has been conducted by a licensed site evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.

8. One parking space must be provided for the accessory dwelling unit in addition to the parking for the single-family dwelling.

9. Accessory dwelling units are allowed for structures that include a home occupation, and a home occupation is permitted in a structure that includes an accessory dwelling unit. The home occupation must be operated by the landowner. (10/04/2010)

10. No accessory dwelling unit is allowed where the owner does not reside in either the attached single-family dwelling or the accessory dwelling unit.

11. The single-family dwelling and the accessory dwelling unit installed therein must be held in the same ownership. No rights shall accrue to the recipient of the Use Permit under this section unless the recipient records an attested copy of the Use Permit in the Androscoggin County Registry of Deeds within 90 days of final approval of the Use Permit.

12. Accessory dwelling units must conform to Article IV Section 7 (Rental Housing Standards) of this Ordinance.

**C. Site Plan Requirements**

Any request for an accessory dwelling unit must include a site plan showing the following:

1. lot boundaries and dimensions at scale

2. date of plan

3. property owner with deed reference

4. lot area

5. location and setback of all buildings on the property

6. location of all rights-of-way, public and private

7. all easements
8. street names

9. location of all off-street parking spaces for this property

**D. Building Plan Requirements**

Any request for an accessory dwelling unit must include a building plan showing the following:

1. separate floor layout of all finished levels

2. all plumbing facilities, kind and location

3. use of all rooms

4. all entrances/exits

5. all partitions, temporary or permanent

6. location and type of appliances

# ARTICLE V. NON-CONFORMANCE

## SECTION 1. PURPOSE

The purpose of this Article is to promote land uses which conform to the terms of the Town's ordinances, except that non-conforming conditions which existed before the effective date of this Ordinance must be allowed to continue, subject to the requirements of this Article.

## SECTION 2. GENERAL ALLOWANCES

**A. Transfer of Ownership**

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Article.

**B. Repair and Maintenance**

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, are allowed without development review.

## SECTION 3. NON-CONFORMING LOTS OF RECORD

**A. Vacant Lots**

1. Nonconforming vacant lots of record which are part of a land subdivision approved by the Mechanic Falls Planning Board, recorded in the Androscoggin County Registry of Deeds at the time of ordinance enactment, and not located in a shoreland area, may be built upon provided that dimensional requirements governing the placement of structures are met and that all other requirements of this Ordinance and State law are met.

2. Any other nonconforming vacant lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size, lot width or lot frontage can be met. Variance of setbacks or other requirements not involving area, width or frontage must be obtained only by action of the Board of Appeals.

3. If two or more contiguous lots or parcels of record are in the same single or joint ownership on or after the effective date of this Ordinance or applicable amendment, and if either or both of these lots do not individually meet the dimensional requirements of this Ordinance or amendments, and either or both of the lots are vacant or contain only an accessory structure, the lots shall be combined to the

extent necessary to meet all dimensional standards, except where rights have been vested.

**B. Built Lots**

1. A nonconforming lot of record that was built upon prior to the enactment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) can not meet the dimensional requirements of the Ordinance, a variance must be obtained from the Board of Appeals.

2. If two or more contiguous lots or parcels of record are in the same single or joint ownership on or after the enactment or applicable amendment of this Ordinance and if either or both of these lots do not meet the dimensional requirements of this Ordinance, *and* if a principal use exists on each lot, the nonconforming lots may be conveyed separately or together in accordance with the State Minimum Lot Size Law and State Plumbing Code.

## SECTION 4. NON-CONFORMING STRUCTURES

**A. Expansions**

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

1. Foundations: Construction or enlargement of a foundation beneath the existing structure is not considered an expansion of the structure, provided that the completed foundation does not extend beyond the existing dimensions of the structure.

2. Setbacks From Lot Lines and High-Water Line: No structure, which is less than the required setback from a property line, or the normal high-water line of a water body, or the upland edge of a wetland, may be expanded toward the property line or the water body or wetland.

**B. Expansions (Shoreland and Resource Protection Overlay District)**

1. If any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure may not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

2. Construction or enlargement of a foundation beneath the existing structure is not considered an expansion of the structure provided:

a. that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection C;

b. that the completed foundation does not extend beyond the exterior dimensions of the structure; and

c. that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

3. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland may be expanded toward the water body, tributary stream, or wetland.

**C. Relocation**

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

In determining whether the building relocation meets the setback to the "greatest practical extent", the Planning Board must consider, among other factors, the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

**D. Reconstruction or Replacement**

Any non-conforming structure which fails to meet the dimensional requirements of this Ordinance, and which is removed or damaged or destroyed by more than 50% percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced within one year of the date of said damage, destruction or removal. The CEO may grant up to two one-year extensions for good cause shown. Such reconstruction or replacement must be in compliance with the setback requirements to the greatest practical extent as determined by the CEO. In no case may a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the CEO.

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

**E. Change of Use of a Non-Conforming Structure (Shoreland and Resource Protection Overlay District)**

The use of a non-conforming structure may not be changed to another use unless the CEO, after receiving a written application, determines that the new use will not have a greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

## SECTION 5. NON-CONFORMING USES

**A. Expansions**

Expansions of non-conforming uses are prohibited, except that non-conforming uses may, after obtaining a permit from the Planning Board, be expanded within structures existing as of the effective date of this Ordinance, or on the effective date of a subsequent amendment that causes such use to be non-conforming.

**B. Resumption Prohibited**

A lot, building or structure, in or on which a non-conforming use is discontinued for a period exceeding one year, or is superseded by a conforming use, may not again be devoted to a non-conforming use.

**C. Change of Use**

An existing non-conforming use may be changed to another non-conforming use provided that the Planning Board finds, after receiving a written application, that the proposed use is equal, or more appropriate, to the district than the existing non-conforming use, and that the proposed use will have no greater adverse impact on adjacent properties and resources than the existing use.

The determination of appropriateness must include: consideration of the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use.

# ARTICLE VI. APPEALS

## SECTION 1. APPEAL PROCEDURE

**A. Time Limit**

An administrative or variance appeal must be filed within forty-five (45) days of the date of the decision being appealed.

**B. Written Notice**

Such appeal must be made by filing with the Board of Appeals a written notice, 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 existing buildings and structures, and other physical features of the lot pertinent to the relief requested.

**C. Record of Case**

Upon being notified of an appeal, the Code Enforcement Officer must transmit to the Board of Appeals all of the papers constituting the record of the decision being appealed.

**D. Public Hearing**

The Board of Appeals must hold a public hearing on the appeal within thirty (30) days of its receipt of an appeal request. This public hearing must be duly noticed, and interested parties and the public must be given an opportunity to be heard.

**E. Decision by Board of Appeals**

1. Quorum: A majority of the full Board of Appeals must constitute a Quorum for the purpose of deciding an appeal.

2. Majority Vote: The concurring vote of a majority of the members of the Board of Appeals present and voting must be necessary to make a decision.

3. Burden of Proof: The person filing the appeal must have the burden of proof.

4. Time Frame; Written Decision

    a. The Board must decide each appeal within forty-five (45) days after the close of the hearing, must issue a dated written decision on each appeal, and must send a copy of the decision

to the applicant, CEO and the Planning Board within seven (7) days thereafter.

b. All decisions must become a part of the record, must include a statement of findings of fact and of conclusions along with the reasons therefore. In instances where the Board of Appeals remands a case to the Planning Board or CEO, such decisions must include an appropriate order.

**F. Reconsideration**

Upon good cause shown to the Board, within thirty (30) days of its decision, the Board of Appeals may vote to reconsider its decision. The Board may conduct an additional hearing to receive additional evidence and testimony. The Board must then follow the procedures for decisions as set forth above.

**G. Appeal to Superior Court**

Any party aggrieved by the decision of the Board of Appeals or the Planning Board may appeal to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure within forty-five (45) days of the Board's final decision.

# ARTICLE VII. ASSESSMENT OF IMPACT FEES

## SECTION 1. Purpose

The purpose of this Article is to assure that major new development activity occurring within the Town bears a fair share of the costs of capital expenditures for needed public facilities and improvements thereto, created by the development in Mechanic Falls.

## SECTION 2. Authority

Development Impact Fees are authorized pursuant to the enabling provisions of Article VIII, Part Second of the Maine Constitution, Title 30-A, Section 4354.

## SECTION 3. Establishment of Impact Fees

Impact fees are established in accordance with the following:

**A. Assessment of Impact Fees for Development Requiring Development Plan Review**

For uses requiring development plan review from the Planning Board, an impact fee may be assessed if the Planning Board finds that the proposed project will result in a need for new, improved or expanded public facilities in order to accommodate the proposed project and will have an adverse fiscal impact on the Town to provide those facilities.

The Planning Board shall, in reviewing any project that requires a site plan review, determine the extent to which, if any, new improved or expanded public facilities as needed to accommodate the growth as a result of the proposed project. The Planning Board shall consider impacts on all of the public facilities listed in Section 5 of this Article.

The Planning Board may retain the appropriate professional(s) or consultant(s) to assist them in determining the impact on public facilities and the portion of any impacts that may be attributed to the proposed project as an impact fee. The professional(s)/consultant(s) shall estimate the cost of such review, and the applicant shall deposit, with the Town, the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the professional(s)/consultant(s) from the escrow account and reimburse the applicant if funds remain after payment. Determinations made by the Planning Board, pursuant to this paragraph, may be appealed to the Town Council by the fee payer, by filing a written request with the Town Council within ten (10) days of the Planning Board's determination.

## SECTION 4. Payment of Fee

**A.** The fee payer shall pay the impact fee required by this ordinance to the Town of Mechanic Falls prior to the issuance of a Conditional Use Permit or Special Exception Permit.

**B.** All funds collected shall be properly identified as to which public improvements they apply, and promptly transferred for deposit in the appropriate impact fee trust fund to be held in separate accounts and used solely for the purposes specified in this ordinance.

**SECTION 5. Use of Funds**

**A.** Funds collected from impact fees shall be used for the purpose of capital improvements to and expansion of public facilities in Mechanic Falls. These public improvements include, but are not limited to, the following:

1. road systems and traffic devices;

2. parks, recreational facilities, and open space;

3. solid waste disposal, recycling and transfer facilities;

4. schools;

5. public libraries;

6. public safety facilities and equipment including fire, police, and rescue services;

7. storm and flood control facilities;

8. water and sewerage distribution or collection facilities and treatment facilities; and

9. other facilities the costs of which can be substantially attributed to new development.

**B.** All use of funds must pass a rational nexus test to ensure that the use of funds is directly connected to the impacts generated by the development activity.

**C.** No funds shall be used for periodic or routine maintenance.

**D.** In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments.

**E.** At least once each fiscal year the Town Council shall develop a capital improvement program assigning funds, including any accrued interest, from the impact fee trust funds to specific public improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal

year shall be retained in the same impact fee trust funds until the next fiscal year, except as provided by the refund provisions of this ordinance.

**F.** Funds may be used to provide refunds as described in Section 6.

**SECTION 6. Refund of Fees Paid**

**A.** If a conditional use permit or special exception permit expires without commencement of construction, then the fee payer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance. The fee payer must submit a written request for such a refund to the Town Council within thirty (30) days of the expiration of the permit.

**B.** Any funds not expended or encumbered by the end of the sixth (6th) year from the date the impact fee was paid shall, upon written request of the then current landowner, be returned to such landowner with interest at the rate of simple pass book saving rates, provided that the landowner submits a written request for a refund to the Town Council within 180 days of the expiration of the six-year period.

# APPENDIX A. DEFINITIONS

## SECTION 1. CONSTRUCTION OF LANGUAGE

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

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

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

The word "must" and "will" are mandatory; the word "may" is permissive.

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

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

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

The word "Town" means the Town of Mechanic Falls.

## SECTION 2. DEFINITIONS

In this Ordinance the following terms must have the following meanings:

**Abattoir:** Slaughterhouse; is a facility where animals are processed for consumption as food products. (12/05/2011)

> **Farm Abattoir:** a structure designed for the processing of livestock raised on the premises. No outside animals permitted to be processed. (12/05/2011)
>
> **Commercial Abattoir:** a structure designed for the processing of livestock from various farm locations. (12/05/2011)

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

**Accessory Use or Structure:** A use or structure which is customarily both incidental and subordinate to the principal use or structure on the same lot only. The term "incidental" in reference to the principal use or structure must mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. Such accessory uses, when aggregated, must not subordinate the alleged principal use of the lot.

**Adult Business Establishment:** A business or commercial establishment which customarily derives at least fifty (50) percent of its operating income from the retail sale or lease of goods and/or services which may not lawfully be sold or leased to persons under the age of eighteen (18), or a business entity which customarily excludes persons under the age of twenty (20) from admission to its premises, including, but not limited to, adult amusement establishments, private memberships clubs, taverns, restaurants or other establishments deriving at least fifty (50) percent of their operating income from the sale of alcoholic beverages; and shall also include any licensed billiard or pool hall and any business establishment containing more than two (2) of any type of billiard or pool table.

**Adult Entertainment:** An establishment which offers live clothed entertainment, customarily exhibits motion pictures, or displays any other visual representation described or advertised as being "X Rated" or "For Adults Only", and which excludes persons from any portion of the premises by reason of immaturity of age or by use of such, or similar phrases; or offers as a substantial portion of its stock-in-trade, books magazines, other periodicals or videotapes characterized by their emphasis on specified anatomical areas or specified sexual activities. For purposes of this Ordinance, "customarily" shall mean more often than an average of one (1) calendar week during any calendar month of operation, and " substantial portion" shall mean greater than seventy-five (75) percent of the books, magazines and other periodicals carried as stock-in-trade.

**Aggrieved Party:** A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted.

**Agriculture:** The cultivation of soil, producing or raising crops, including gardening, as a commercial operation. The term must also include greenhouses, orchards, nurseries, and versions thereof, and raising and keeping of livestock, including animal husbandry. (12/05/2011)

**Agriculture Packaging, Storage / Processing:** A business mainly for the containment and packing of foods prior to sale with the primary purpose of facilitating the purchase and use of a product. (12/04/06), including wild game processing. (12/05/2011)

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

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

**Animal Breeding or Care, Commercial:** The keeping or raising of animals, including domestic animals and pets, for commercial purposes. This definition also includes kennels and stables.

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

**Automobile Junkyard/Graveyard:** A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined by Title 30A, Section3751 or parts of the vehicles. Automobile graveyard includes an area used for automobile dismantling, salvage and recycling operations. (11/03/03)(8/1/05)

**Automotive Body Shop:** A business establishment engaged in body, frame, or fender straightening and repair, or painting and undercoating.

**Automobile Repair Shop:** A business establishment engaged in general repair, engine rebuilding, and/or parts replacement.

**Auto Sales**: A business or location used for the wholesale or retail exchange of three or more motorized vehicles, that are used for transportation, within a year's time. (12/04/06)

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

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

**Buffers/Screening:** Buffers/screening are fences, vegetation, landscaping, berms and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas.

**Buffer Strip** – The portion of any lot of record that, by decree of the Planning Board or by Plan Approval, is to be established between one lot of record, development, use or activity and an adjacent lot of record, development, use or activity. The buffer strip may not need to be maintained depending upon the decree or plan. The most common of these is a natural buffer strip whereby the land is to be preserved in its natural state and requires no maintenance other than those required to keep the area clean of trash and debris and safety and health hazards. (08/04/03)

**Building:** Any three (3) dimensional enclosure by any building materials or any space, for any use or occupancy, temporary or permanent, including swimming pools, foundations or pilings in the ground, and all parts of any kind of structure above ground including decks, railings, dormers, and stairs, and excluding sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

**Business and Professional Offices:** The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales or activities utilizing trucks as part of the business operation.

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

**Cardholder:** A registered patient, a registered primary caregiver or a principal officer, board member, or employee of a registered dispensary who has been issued and possesses a valid registry identification card from the State of Maine. (04/04/11)

**Car Wash:** A business equipped for cleaning cars and other motor vehicles. (12/04/06)

**Cemetery:** Property used for the interring of the dead.

**Changeable Sign:** an on-premise sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side. (09/02/08)

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

**Civic, Convention Center:** A building or complex of buildings that house Town offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

**Code Enforcement Officer:** A person appointed by the Town Officers to administer and enforce this Ordinance.

**Commercial Communication Tower:** A structure on which commercial transmitting and/or receiving devices are located.

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

**Commercial Use:** Any activity carried out for pecuniary gain.

**Community Center, Club:** A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and are not engaged in activities customarily carried on by a business or for pecuniary gain.

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

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

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

**Crafts:** The conscious use of skill and creative imagination especially in the production of aesthetic or functional objects, or an occupation, avocation or trade requiring manual dexterity or artistic skill (e.g. such as pottery, sewing, woodworking, etc.). (10/05/98) (11/4/02)

**Day Care Centers:** Centers licensed as such by the Maine Department of Human Services. (10/05/98)

**Day Care Homes:** Homes licensed as such by the Maine Department of Human Services. Day Care Homes are not permitted to have more than 12 children and must be located in a single-family residence. Day Care Homes are considered to be an accessory use to the single-family residence. No Home Occupations are allowed in residences that have a Day Care Home. (10/05/98) Day Care Homes are allowed in residences that have an Accessory Dwelling Unit provided it is operated by the landowner. (10/04/2010)

**Density:** The number of dwelling units per lot of land or unit.

**Department:** The Department of Health and Human Services. (04/04/11)

**Development:** Any man-made changes to improved or unimproved real estate including, but not limit to: buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. For purposes of this Ordinance, development is classified as either minor or major.

**Minor Development:**

**A.** projects involving the construction, addition or conversion of less than five-thousand (5,000) square feet of gross floor area,

**B.** projects involving the construction or installation of less than five-thousand (5,000) square feet of impervious surfaces; and

**C.** projects involving the construction or establishment of less than three (3) lots or dwelling units.

**Major Development:** includes all other activities above the threshold of minor development.

**Display:** that portion of the surface area of a changeable sign that is or is designed to be or is capable of being periodically altered for the purpose of conveying a message. (09/02/08)

**District:** A specified portion of the Town, delineated on the land use map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Driveway:** a private way providing vehicular access to a parking space, garage, dwelling or other structure from a public or private road or street.

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

1. **Single-Family Dwelling:** Any structure containing one (1) dwelling unit for occupation by not more than one (1) family. Units may be attached.

2. **Two-Family Dwellings:** A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

3. **Multi-Family Dwellings:** A building containing three (3) or four (4) dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

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

5. **Accessory Dwelling Unit:** A separate living unit within a single-family home that meets the requirements of Article IV Section 8 of this Ordinance. (10/05/98)

**Enclosed, Locked Facility: A** closet, room, or other enclosed area within a building, or an enclosed locked facility within a greenhouse, that is equipped with locks or other security devices that permit access only by a cardholder. (04/04/11)

**Essential Services:** Facilities for the transmission or distribution of water, gas, electricity, or essential communications, or for the collection, treatment or disposal of wastes including, without

limitation: towers, poles, wires, mains, drains, sewers, traffic signals, hydrants and similar accessories but not buildings. Essential services do not include commercial communication towers.

**Family:** One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a tourist home, rooming house, hotel, motel or inn.

**Farm Market:** a group of farmers convened at one unified spot and specified time to sell non-commercial agricultural related products. (09/07/2010)

**Farm Stand:** A structure, not more than 200 square feet, designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises, upon which such stand is located. A farm stand may be located on premises that the products are not grown upon, allowing items not grown on the premises to be sold at the farm stand. (12/05/2011)

**Filling:** Depositing or dumping any matter on, or into, the ground or water.

**Fire / Police Station:** Facilities, primarily municipally funded, to house staff and equipment used in the protection of public safety. (12/04/06)

**Firewood Processing, Commercial:** The processing of firewood at a fixed location from offsite locations, for commercial purposes. The processing of firewood includes cutting, splitting and storing.

**Flea Market:** Sale of miscellaneous household items, antiques, hardware, clothing, and/or collectibles either by a single person or by business or by a combination of persons or businesses on a continuing basis (or more than 3 days). (09/07/2010)

**Flood:** A temporary rise in stream flow or tidal surge that results in water overflowing its banks and inundating adjacent areas.

1. **Flood Insurance Rate Map:** The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones.

2. **Flood Plain or flood prone area:** Any land area susceptible to being inundated by water from any source (see definition of "flooding").

3. **Floodway:** (1) the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot, and (2) in Zone A riverine areas is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the flood plain as measured from the normal high water mark to the upland limit of the flood plain.

4. **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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

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

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

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

**Funeral Home:** An establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held. (12/04/06)

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

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

**Green Space** – The portion of any lot of record that, by decree of the Planning Board or by Plan Approval, is to be permanently established and maintained, by the owner of record, with grass, bushes, flowers, trees etc., hence the terminology green space. (08/04/03)

**Habitable Room:** A room within a dwelling unit used for habitation including bedroom, Kitchen, bathroom, living room, den, etc. A habitable room does not include pantries, basement, shed, closet etc.

**Hazardous Material:** Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, according to current guidelines of the U.S. Environmental Protection Agency, or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Home Occupation:** An occupation or profession which meets the definition of a Business & Professional Office, Arts & Crafts, or Service Business that is carried on in no more than 25% of the floor area of a detached single-family dwelling unit not to exceed 500 square feet, or no more than 500 square feet of an accessory building, which is clearly incidental and secondary to the residential use of the dwelling and which does not alter the residential character of the neighborhood. A home occupation may not have more than the equivalent of 2 full-time employees, with at least 1 being a full-time resident of that dwelling. Retail sales are not allowed as part of a Home Occupation unless the item sold is a product of the owner's labor (e.g. manufactured, produced, created) within the confines of the Home Occupation. The resale of items, even those related to the product, which is produced in the home occupation, is prohibited. No home occupation is allowed for any property that has a Day Care Home. (10/05/98) Home occupations are allowed in residences that have an Accessory Dwelling Unit provided it is operated by the land owner. (10/04/2010) There shall be no change to the outside appearance of the building or premises, or any visible evidence of the conduct of such home occupation other than signage as permitted by this ordinance. No traffic shall be generated by such home occupation in greater volumes than would normally be expected and infringe on the safety and welfare of the neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street and outside any setback areas. Any machinery, mechanical devices, or equipment employed in the conduct of the home occupation shall not generate noise, vibration, radiation, glare, smoke, fumes, steam or electrical interference detectable to the normal senses off the lot to which the home occupation is permitted. The delivery or pickup of goods shall not exceed that normally created by residential uses. The use of hazardous materials may require a conditional use permit. No process, chemicals, or materials shall be used which are contrary to any State or Federal laws. (11/04/02)

**Hospital:** An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured including, as an integral part of the

institution, such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

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

**Impervious surface:** Means any surface which does not absorb rain and includes all buildings, roads, sidewalks, parking areas, and any area paved with bricks, concrete or asphalt. (12/04/06)

**Indoor Theatre:** A building, room, or structure for the presentation of plays, films, or other dramatic performances.

**Industrial Uses:** Industrial uses must have the following definitions:

> **Light Industry:** Industrial uses that, generally, do not have offensive characteristics and can be conducted entirely within enclosed buildings. These may include: industrial processes such as printing, manufacturing of products from component parts, food packaging, or warehousing.
>
> **Heavy Industry:** Industrial uses, such as the manufacture, recycling, or processing of chemicals, metal, cement, plastic, or rubber products, that generally produce nuisances. These nuisances may be in the form of air pollutants, excessive noise, traffic, glare or vibrations, noxious odors, danger of explosion, or unsightly appearance.

**Instructional Business –** A privately operated establishment, for pecuniary gain, primarily engaged in providing instructional classes to groups of individuals at the same time. Examples of instructional business may include ceramics, karate, dance, driver's education, dog training, etc. (11/04/02)

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

> **(1)** Discarded, worn-out or junked plumbing~~,~~, heating supplies, household appliances and furniture;
>
> **(2)** Discarded, scrap or junked lumber;
>
> **(3)** Old or scrap copper, brass rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
>
> **(4)** garbage dumps, waste dumps and sanitary fills.

**Kennel:** An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

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

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

**Lot, Minimum Area:** The minimum required lot area within a district for a single use.

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

**Lot, Coverage:** The percentage of a lot covered by all buildings.

**Lot Lines:** The lines bounding a lot as defined below.

1. **Front Lot Line:** Interior lots: the line separating the lot from a street or right-of-way. corner lot or through lot; the line separating the lot from either street or right-of-way.

2. **Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line must be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line must be opposite from the front lot line of least dimension.

3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.

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

**Lot, Shorefront:** Any lot abutting a body of water.

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

**Marijuana: The** leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination. (04/04/11)

**Marijuana Plant: A** harvestable female marijuana plant that is flowering and is greater than twelve inches in height and twelve inches in diameter. (04/04/11)

**Medical Use: T**he acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered patient's debilitating medical condition or symptoms associated with the registered patient's debilitating medical condition. (04/04/11)

**Message:** a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image. (09/02/08)

**Mining:** Mining means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of more than 1,000 cubic yards of product or overburden from the earth within 12 successive calendar months; any activity or process that for the extraction or removal of the product or overburden; and the preparation, washing , cleaning or other treatment of that product so as to make it suitable for commercial, industrial or construction use, but shall not include excavation or grading preliminary to a construction project.

**Mobile Home Park:** A parcel or adjoining parcel of land, under single ownership, that has been planned and improved for the placement of three or more mobile homes (M.R.S.A. Title 10, Section 9081).

**Mobile Vendor:** A person or persons, with the appropriate permit or license issued by the Town, who sell items from a temporary location usually from a vehicle or cart primarily used to move from location to location. (12/04/06)

**Museum / Library:** A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of books or objects having scientific, historical, or artistic value. (12/04/06)

**Natural Resource-Based Industries:** Natural Resource-Based Industries shall be construed to include the following: Extraction and processing of water, wood and lumber, minerals and soils, and the associated retail functions for those natural resource-based industries. Examples of the same would include wells and bottling plants, sawmills and lumberyards, and mining and soils processing industries.

**Natural Resource Based Recreation:** Outdoor commercial recreational facilities which have a primary characteristic of requiring a sizable amount of land including, but not limited to, ballfields, golf courses, driving ranges, and the associated retail functions for those natural resource-based recreational uses. Such retail functions must be incidental to the recreational use and may include the sale of rental of goods and services related to the recreation, as well as refreshment stands.

**Neighborhood "Convenience" Stores:** A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including such items as, but not limited to, basic food, newspapers, emergency home repair articles, and other household items, but not to include "sit-down" dining or "eat-in" foods or take out windows.

**Net Residential Density:** The number of dwelling units per net residential acre.

**Non-Conforming:** A building, structure, lot, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

**Nude Entertainment: L**ive entertainment in which any performer appears in such a manner or attire as to expose to view any portion of the pubic area, anus, buttocks, vulva, penis or genitals or any simulation thereof, or in a visible state of sexual excitement whether or not clothed, or when any female appears on a licensee's premises in such a manner or attire as to expose to view any portion of the breast referred to as the areola, nipple or simulation thereof, or any act of sadomasochistic abuse or sexual conduct. Exposed to view shall be interpreted to include, without limitation, clear, see-through or otherwise non-opaque clothing. (04/04/11)

**Nursing Home:** A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

**Open Space** – The portion of any lot of record that, by perpetual conservation easements, declaration of covenants and restrictions, deed restrictions or other legal document duly recorded, that may be permanently preserved in its existing state, and may have restricted development, uses and activities. (08/04/03)

**Open Space Subdivision:** A subdivision consisting exclusively of single family dwelling units on individual lots that may have reduced road frontage, if the individual lot areas are increased and there is a permanent preservation, in open space (as defined within the ordinance) of important natural features. (08/04/03)

**Parks and Recreation:** Non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and

the maintenance of such land and facilities. The term must not include campgrounds, or commercial recreation and amusement centers.

**Patient: A** person whose physician has provided a written certification to the Department for the patient's medical use of marijuana. (04/04/11)

**Performer:** any person, without regard to whether compensation is paid by the establishment, its patrons or customers, who presents or participates in any entertainment, including, but not limited to, professional entertainers and full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value. (04/04/11)

**Permitted Use:** Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term does not include prohibited uses.

**Physician: A** person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to 32 M.R.S.A. Chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant 32 M.R.S.A. Chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs. (04/04/11)

**Physician's Written Certification:** A document signed by a physician stating that in the physician's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. (04/04/11)

**Planning Board:** The Planning Board of the Town of Mechanic Falls.

**Prepared Marijuana: T**he dried leaves and flowers of the marijuana plant, and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, and other preparations. It does not include the seeds, stalks and roots of the marijuana plant or other ingredients in goods prepared for human consumption or use. (04/04/11)

**Principal Structure:** The structure in which the primary use of the lot is conducted.

**Principal Use:** The primary use to which the premises are devoted.

**Printing / Photocopying:** A business of producing printed material by means of inked type and a printing press or by similar mechanical means. (12/04/06)

**Private Road:** A road or street constructed in accordance or in conformity with the Municipal Road Standards; if not, the private road cannot be used to meet minimum road frontage for building lots.

**Public and Private Schools:** Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

**Public Utility:** Any person, firm, corporation, Town department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

**Recreation:** Activity engaged in for relaxation and amusement. (12/04/06)

**Recreational Vehicle:** A self-propelled or drawn vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

**Recycling Operation:** A privately owned facility for the recycling of heavy goods and bulk metal.

**Redemption:** The redemption of goods such as bottles and cans as a recycling activity.

**Redemption Center**: A business for the redemption of goods such as bottles and cans as a recycling activity that is not accessory to any other business use such as neighborhood or convenience store. (12/04/06)

**Registered Dispensary or Dispensary: A** not-for-profit entity registered pursuant to State Law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients.

**Onsite Assessment: A** visit by an employee of the Department for the purpose of ensuring compliance with the requirements of this chapter to any site where marijuana is grown by a registered primary caregiver who has been designated pursuant to M.R.S.A. Title 22, section 2425, subsection 1, paragraph F to cultivate marijuana for 3, 4 or 5 registered patients at one time. (04/04/11)

**Registered Patient: A** patient who has a registry identification card issued by the State of Maine. (04/04/11)

**Registered Primary Caregiver or Primary Caregiver: A** person, a hospice provider licensed under Title 22 M.R.S.A. chapter 1681 or a nursing facility licensed under Title 22 M.R.S.A. chapter 405 that provides care for a registered patient and that has been named by the registered patient as a primary caregiver to assist with a registered patient's medical use of marijuana. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense. (04/04/11)

**Registered Primary Caregiver Operation: A** registered primary caregiver that cultivates marijuana for 2 or more registered patients pursuant to State law. (04/04/11)

**Registry identification card** means a document issued by the Department that identifies a person as a registered patient, registered primary caregiver, or a principal officer, board member, or employee of a registered dispensary.

**Restaurant:** An establishment where meals are prepared and served to the public.

**Retail Business:** A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

**Retail Fuel Distributor** – A business offering the sale of combustible fuels directly to the consumer to produce heat or power. This includes fuels picked up by the customer at the fuel pump or home delivery services. (12/04/06)

**Right-of-way:** A strip of land acquired by deed, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

**Road or Street:** A public or private way designated as a right-of way for vehicular access other than a driveway. A public road, or street is one which has been accepted by the Town or State. A private road has not been accepted.

**Sadomasochistic Abuse:** Flagellation or torture by or upon a person clad in undergarments or a mask or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed. (04/04/11)

**School: A** building together with its contiguous accessory buildings and uses for the education and learning of children. Uses within the meaning of this definition shall include private and public preschool, elementary, middle and high school.

**Dormitory: A** building for housing a number of persons, as at a school.

**Grounds:** The premises on which the school is located. (04/04/11)

**Scrolling:** the moving of text across a display as if by unrolling a scroll. (09/02/08)

**Septic / Sludge Spreading and Storage Facility:** A facility where human or animal waste or manufacturing byproducts is broadcast over an area of land or warehoused for future use. (12/04/06)

**Service Business:** An establishment primarily engaged in providing services for individuals, business and governmental establishments and other organizations, including establishments providing personal, business, and repair services not otherwise listed in the Table 1 (Table of Uses) in this Ordinance. Examples of a Service Business may include electronics repair, shoe repair, tailoring services, etc.

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

**Sexual Conduct:** Acts of sodomy, masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast. (04/04/11)

**Sexual Excitement:** The condition of the human male or female genitals when in a state of sexual stimulation or arousal. (04/04/11)

**Shopping Center:** Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 sq. ft. or more of gross floor space.

**Sign:** A means of conveying information, or directing attention to a business, product, service or other commodity.

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

**Structure:** Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, decks and other building features, including stacks and antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls. For purposes of this Ordinance, utility poles are not considered structure.

**Subdivision:** Subdivision means subdivision (1) as defined in Title 30-A M.R.S.A., 4401, as amended i.e. generally a division of a tract or parcel of land into three (3) or more lots within a five year period (see statute for full definition) and (2) as such definition is augmented by the following:

**1.** Such division may be accomplished by sale, lease, development, building or otherwise, including informal arrangements which result in the functional division of a tract or parcel.

**2.** Under such definition, lots of forty (40) or more acres each must be counted as lots if the lots are wholly or partly within the Shoreland District.

**Swimming Pool:** An outdoor man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in the ground or above the ground.

**Terminal for Bulk Oil / Gas** – A facility used to receive and store large quantities of combustible fuels in containers until transferred into vehicles used for wholesale distribution. "Large quantities" defined as the capacity of holding larger quantities than what is commonly stored by a retail fuel distributor. (12/04/06)

**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.

**Time and Temperature Sign:** a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature. (09/02/08)

Trucking / Distribution Terminal: **A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening and painting), fueling and storage of trucks or tractor-trailer combinations. May be inclusive or accessory to warehousing and storage.** (12/04/06)

**Undue Hardship:** The term "undue hardship" must mean *all* of the following:

**1.** That the land in question cannot yield a reasonable return, unless a variance is granted;

**2.** That the need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood;

**3.** That the granting of a variance will not alter the essential character of the locality; and

**4.** That the hardship is not the result of action taken by the applicant or a prior owner.

**Use:** The manner in which land or a structure is arranged, designed or intended, or is occupied.

**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 1/2 feet above ground level.

**Veterinary Hospital**: A business relating to veterinary medicine; concerned or connected with the medical or surgical treatment of animals, especially domestic animals. (12/04/06)

**Warehousing**: A business with a large building or buildings used for the storage of goods and merchandise usually for wholesalers. May be inclusive or accessory to trucking / distribution terminal. (12/04/06)

**Waste Disposal**: An area used for the collection and processing of materials, usually ones produced by human activity, to reduce the hazard of the waste, recover material for recycling, produce energy from the waste, or reduce it in volume for more efficient disposal. (12/04/06)

**Wetland:** Fresh-water wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.R.S.A. Section 407A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act.

**Wholesale Business:** A business establishment engaged in the sale of goods or commodities in large quantities for individual consumption or resale.

**Yard Sale :** A sale where articles to be sold, were originally purchased or acquired by the seller(s) for use in their own household or for purposes other than resale to others. Any sale by another name (garage sale, moving sale, etc...) shall be classified as a yard sale for the purpose of this ordinance. (05/07/01)

# APPENDIX B - CITATION SYSTEM OF CODE ENFORCEMENT

## Article 1. Enforcement Procedures

### 1.1 Application of Citation System

This chapter shall apply to enforcement proceedings under this Ordinance, State Health Code, Electrical Codes (NFPA 70), Life Safety Code (NFPA 101) and the Mechanic Falls Zoning Code. The inspectors under various codes are hereinafter referred to collectively as "enforcement officials".

### 1.2 Investigation

Upon receipt of information indicating the likelihood of a violation, the enforcement official or his duly authorized agent shall investigate the facts and may make an inspection of the premises when legally authorized to do so.

### 1.3 Notice of Violation

If the investigation reveals that a code violation has occurred, the enforcement official shall give written notice of such violation to the person, firm or corporation having control of the land, building, or structure involved in the violation (hereinafter called "the violation") and demand the violation be corrected. Notice of the violation may be delivered in hand to the violator or left for him with a person of suitable age and discretion living in the same household or mailed to him by certified mail to his last known address. Such notice shall also describe the violation(s) including a reference to the appropriate code and section(s) violated, specify necessary corrective measures to be taken, specify a reasonable period as to each violation within which corrective actions must be completed, and state the potential consequences if the violation(s) is not corrected. The notice shall advise the violator of his right to appeal to the appropriate authority pursuant to section 2.9 of this chapter if he disagrees with the enforcement officials' determination that he is violating an adopted ordinance.

### 1.4 Civil Proceedings

If appropriate action to correct the violation(s) has not been taken within the period established, the enforcement official and/or the Town Attorney may initiate appropriate court proceedings to prevent, correct or abate the violation(s). Such court proceedings may include the initiation of a land use complaint pursuant to Rule 80k of the Maine Rules of Civil Procedure.

## Article 2. Alternative Enforcement Procedure

### 2.1 Citation Issued

If appropriate action to correct the violation(s) has not been taken within the period established by the enforcement official, he may, as an alternative to initiating court action, issue a citation to the violator.

## 2.2 Content of Citation

The citation shall be in writing, describe the nature of the violations including the ordinance sections violated, state the dates by which the violations were to have been corrected, that a civil penalty of $50.00 has been imposed for the violation, the date by which the penalty must be paid and to whom, and the consequences of failing to pay within the period stated. The number of days allowed by the enforcement official within which corrective action must be taken shall be reasonable given the notice period previously given to the violator, the nature of the violation to be corrected, and the time which the code enforcement official estimates will be required to perform the corrective work. The citation shall also advise the violator of his right to request an extension of time to correct the violation as hereinafter provided. The citation shall state that an additional civil penalty of $100.00 will be imposed and that further citations may issue if the violation has not been corrected within the time specified.

## 2.3 Time Limits for Corrective Action

The following time periods within which corrective action must be taken shall be presumed to be reasonable:

Immediate risk - 0 to 24 hours
Short term risk - 24 hours to one(1) week
Long term risk or nuisance - 1 week to 30 days

For purposes of this chapter the following terms shall have the meaning set forth:

Immediate risk - A condition or circumstance, which poses an immediate threat to the health or safety of individuals or their property.

Short term risk - A condition or circumstance which, while posing a serious threat to the health or safety of individuals or their property, is not likely to occur so soon as to be an immediate danger.

Long term risk or nuisance - A condition or circumstance which does not pose an immediate threat to the health or safety of individuals or their property, but could cause a hazard or create a physical or esthetic nuisance if not corrected.

## 2.4 Service of Citation

Citations may be delivered in hand to the violator or left for him with a person of suitable age and discretion living in the same household. If the violator is a corporation, citations may be served on an authorized official, or if none is available, upon any employee of the corporation. Citations may also be served certified mail return receipt requested. If the return receipt is not signed, the citation shall be presumed to have been served if also sent by ordinary mail which has not been returned by the postal service.

### 2.5 Penalty

The penalties for violations punishable by citations shall be as follows:

First Violation - $ 50.00

Second Violation - $ 100.00

Third Violation - $ 200.00

The fines imposed shall be cumulative.

### 2.6 Further Citations

If the corrective action required has not been taken within the time frame specified in the first citation, the code enforcement official may issue a second citation. The second citation shall contain the same information set forth in the first citation regarding the nature of the violation but may do so by reference to the first citation in the discretion of the code enforcement official. It shall also state that, in addition to the previous civil penalties, a civil penalty of $ 200.00 will be imposed. The time limit indicated may be the same as the time limit allowed in the first citation or may be altered if there has been a change in circumstances.

### 2.7 Interest

All civil penalties imposed by citation shall be due within five (5) days after the date the corrective action specified was to be taken. Interest computed at the rate of 18 percent annum shall be added to all unpaid civil penalties beginning five (5) days after the date that the civil penalty became due. The code enforcement official or the Town Attorney may initiate appropriate proceedings to collect any civil penalties, which are not promptly paid together with all outstanding interest.

### 2.8 Extensions to Time to Correct Violations

In any case which the violator asserts that there is good cause for extending the period during which the violation can be corrected, he may be request such an extension from the Code Enforcement Officer in writing setting forth the reasons for the request. The filing of such an application shall not suspend the running of the time limit specified. The Code Enforcement Officer shall act upon the request within two working days of its being presented. The decision of the Code Enforcement Officer shall be final.

### 2.9 Appeals (10/05/98)

Administrative appeals from decisions of the Building Inspector, Code Enforcement Officer or other code enforcement officials in granting or denying a permit under the Mechanic Falls Zoning & Land Use Ordinance may be taken to the Board of Appeals. Appeals from determinations of the

Life Safety Inspectors that violations of the Life Safety Code have occurred may be taken to the Mechanic Falls Fire Chief.

Appeals from decisions of the Fire Chief or the Board of Appeals shall be taken to Superior Court. Any such action must be taken within 5 working days after the action being appealed. The filing of an appeal shall suspend the running of the time period specified in the citation within which corrective action must be taken until the appeal is resolved.

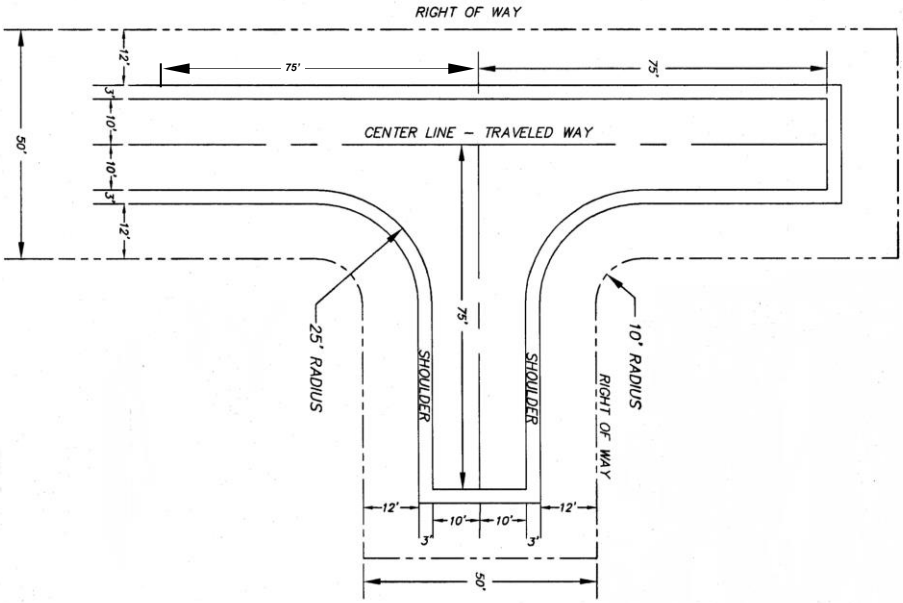
### 2.10 Effect on Other Ordinances

This ordinance does not supersede or repeal other enforcement procedures or preclude the initiation of other enforcement proceedings under state law or other municipal ordinances.

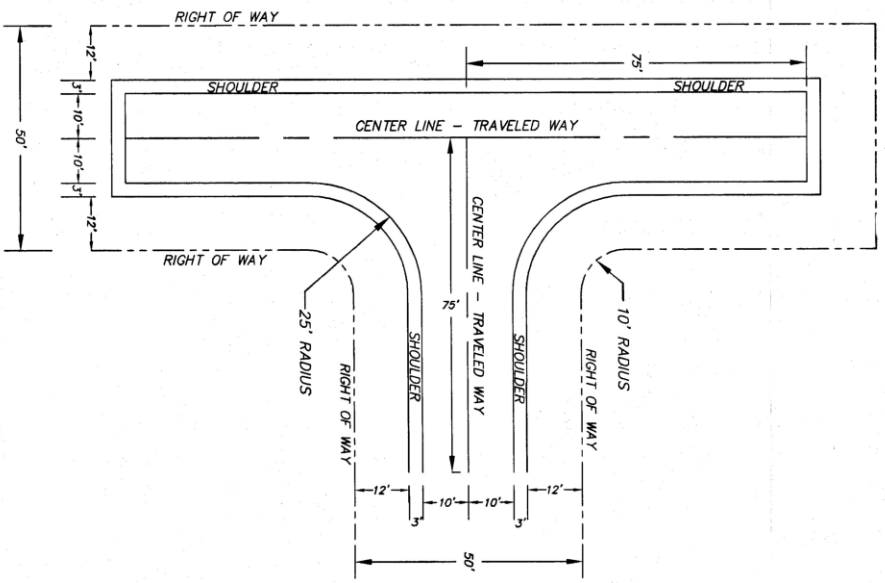
## SECTION 1. TURNAROUND DETAILS

### A. Hammerhead Turnaround (02/07/05)

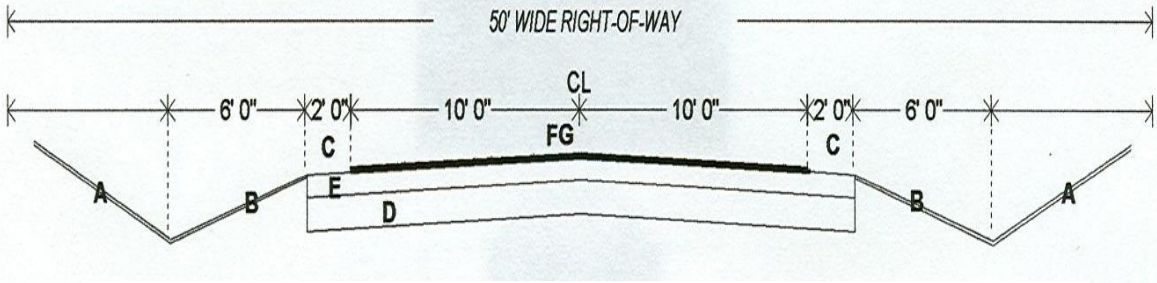
1. This style turn around may be reversed.




### B. Tee Turnaround



## SECTION 2. ROADWAY DETAILS (8/1/05)




A = 2 ON 1 BACK SLOPE
B = 3 ON 1 BACK SLOPE / 4" LOAM WITH SEED
C = 1" PER FOOT ACROSS SLOPE ON GRAVEL SHOULDER
D = 18" THICK SUBBASE GRAVEL EQUAL TO MDOT 703.06 TYPE D
E = 6" THICK BASE GRAVEL EQUAL TO MDOT 703.06 TYPE A
F = 2" THICK BITUMINOUS "D" MIX SURFACE OVERLAYED WITH 1" THICK BITUMINOUS "C" MIX SURFACE
G = GPAVEMENT SLOPE OF ½" PER FOOT FROM CENTERLINE
CL = CENTERLINE OF ROADWAY