

## ARTICLE VI - ZONING

### 1. STATEMENT OF PURPOSE

The purpose of this Ordinance is to further the rights of each and every person to life, liberty and the pursuit of happiness; to promote the general health and safety of the community; to provide the greatest possible latitude of individual choice for land use while maintaining the character and objectives of the community as determined by its citizens and outlined in its Comprehensive Plan, to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish aquatic life, bird and other wildlife habitat; control building sites, placement of structures and land uses; conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty; and finally to protect the community as a whole and the individual persons therein from unreasonable acts by others. [6/74, 6/88]

### 2. GENERAL PROVISIONS

2.1 This ordinance separates patterns of land use into several Districts. It outlines the types of land use permitted in each District and pertains to all of the land area within the jurisdiction of the Town of Wiscasset. [6/74, 6/88]

2.2 The effective date of this ordinance is June 27, 1991, and as amended. [6-91]

2.3 That part of the ordinance relative to the 250 foot Shoreland District, which was adopted at the June 27, 1991, Town Meeting shall not be effective unless approved by the Department of Environmental Protection. A certified copy of that portion of the ordinance, attested and signed by the Town Clerk shall be forwarded to the Department of Environmental Protection for approval. If the Department of Environmental Protection fails to act on the ordinance with forty-five (45) days of the Board's receipt of the ordinance it shall be deemed approved. Upon approval of the 250 foot Shoreland District portion of the ordinance the Shoreland Zoning Ordinance previously adopted at the June 1988 Town Meeting is repealed. [3-92]

2.4 Any application for a permit in the 250 foot Shoreland District submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this ordinance if the ordinance is approved by the Department of Environmental Protection. [3-92]

#### 2.5 APPLICABILITY OF SHORELAND ZONING

Those portions of this article relating to shoreland apply to all land areas within 250 feet, horizontal distance, of the normal high-water line of Gardiner Pond, the Sheepscot River or any salt water body; within 250 feet, horizontal distance of the upland edge of a coastal or freshwater wetland; and within 75 feet horizontal

distance, of the normal high-waterline of a stream. This ordinance also applies to any structure built on, over or abutting a dock, wharf, pier or other structure extending beyond the normal high-water line of a water body or within a wetland. [3-92]

## 2.6 VALIDITY/SEVERABILITY CLAUSE

The invalidity of any provision of this ordinance shall not invalidate any other part. When in conflict with any other previous ordinance, this ordinance shall prevail. [6-74,6-91]

## 3. AMENDMENTS

3.1 This ordinance may be amended by a majority vote of the governing body at any town meeting. [6-74, 3-81]

3.2 In the case of amendment involving the 250 foot Shoreland District a copy of such amendment, attested and signed by the Town Clerk shall be submitted to the Department of Environmental Protection following adoption at any town meeting and shall not be effective unless approved by the Department of Environmental Protection. If the Department of Environmental Protection fails to act on any amendment within forty-five (45) days of the Board's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five(45) day period shall be governed by the terms of the amendment if such amendment is approved by the Board. [3-92]

3.3 Amendment procedures shall always include a public hearing to be held by the Selectmen at least 30 days prior to a town meeting, with a notice thereof posted and published by the Planning Board as required by 30-A M.R.S.A. 4352 as the same may be amended from time to time. [3-81, 9-03]

3.4 Amendment procedures shall further include a scaled map showing any proposed change or creation of zoning together with a written description. [3-81]

## 4. DISTRICTS AND ZONING MAP

(also see DEFINITION OF DISTRICTS, at end of this Article)

4.1 The Town is hereby divided into the following districts as shown on the official Zoning Map: [3-92]

- A. Shoreland Resource Protection District
- B. Shoreland Residential District
- C. Shoreland Business District
- D. Residential District
- E. Business District
- F. Village Waterfront District

- G. Commercial District
- H. Nequasset Watershed District
- J. Rural District
- K. Shoreland Business II District
- L. Marine Overlay District

4.2 The official Zoning Map and all future amendments thereto are hereby made a part of and incorporated into this ordinance.

4.3 District boundary lines are property lines, the center lines of streets, roads and rights-of-way, and the boundaries of the Shoreland Area as defined herein: however, if a district boundary is specifically and clearly described in another manner such description shall be used. Where uncertainty exists as to exact location of District boundary lines, the Appeals Board shall be the final authority as to location. Shoreland applies to all land within 250 feet, horizontal distance, of the normal high water line of the Sheepscot River, Gardiner Pond and any tidal water; within 250 feet, horizontal distance of the upland edge of a coastal or freshwater wetland; and within 75 feet, horizontal distance, of the normal high water line of a stream. [6-91]

4.4 If amendments are made in the District Boundaries or other matter portrayed on the Official Zoning Map such changes shall be made on the Official Zoning Map within thirty days after the amendment has been adopted by the Town or in the event of shoreland areas after approval by the Department of Environmental Protection. [3-92]

## 5. NON-CONFORMING USES OUTSIDE THE SHORELAND DISTRICTS

5.1 A non-conforming use is a use of premises, parcel of land or structure which was in lawful existence at the effective date of the adoption or amendment of this ordinance but which currently does not comply with the applicable use regulations of the zoning district in which it is located.

5.2 A non-conforming use may continue and may be maintained and repaired. A non-conforming use may not be expanded. A non-conforming use may not be renewed after it has been changed to a conforming use or after it has been discontinued for a period of 12 consecutive months.

5.3 A non-conforming use may be changed to another non-conforming use only with a permit from the Board of Appeals. The Board of Appeals shall issue such a permit only upon a finding that all the following are met:

- a. The new use will not generate more vehicular traffic in the immediate area surrounding the premises than the former use: and
- b. There will be no additional structures, or expansion of existing structures, to accommodate the new use; and

- c. There will be a minimum of 3 off-street parking spaces for each conforming and non-conforming use on the lot; and
- d. The daily hours of operation of the new use will be no earlier than 8:00 a.m. and no later than 7:00 p.m.; and
- e. The new use will have no more and no larger signs than the former use, and all signs will comply with the current sign ordinance requirements; and
- f. There will be no outside storage of materials used by, or products produced by, or goods offered for sale by the new use; and
- g. The lot is connected to Town water and sewer. [9-02]

## 6. NON-CONFORMANCE IN THE SHORELAND DISTRICTS [3-91, 9-03]

6.1 Intent: This Ordinance is intended to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section. (See Glossary for the definitions of shoreland non-conforming structures, non-conforming uses and non-conforming lots.)

6.2 Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

6.3 Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use of structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

### 6.4 Expansion of non-conforming structures

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. Any such expansion must comply with the following requirements:

- 6.4.1 After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

- 6.4.2 Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided: 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 the subsection 6.5. (Relocation), below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet. [3-92]
- 6.4.3 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, shall be expanded toward the water body, tributary stream, or wetland.

#### 6.5 Relocation of non-conforming structures

- 6.5.1 A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that anew system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.
- 6.5.2 In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

#### 6.6 Reconstruction or Replacement of non-conforming structures

- 6.6.1 Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in

accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

6.6.2 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, maybe reconstructed in place with a permit, from the code enforcement officer.

6.6.3 In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 6.5 above, the physical condition and type of foundation present, if any.

#### 6.7 Changes of use of a non-conforming structure

6.7.1 The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on adjacent water body or wetland, or on the subject or adjacent properties and resources than the existing use.

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

#### 6.8 Non-conforming uses

6.8.1 Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 6.4 above.

6.8.2 Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

6.8.3 Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 6.7 above.

6.9 Non-conforming lots

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

6.9.2 Contiguous Built Lots: If two or more contiguous lots of parcels within a shoreline zone are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

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

6.9.3 Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels in the shoreland zone are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements. [3-91]

\* Existing lots of record as of June 27, 1983, which have at least 100 feet of shore frontage, 20,000 square feet of lot area, and can meet State plumbing code requirements for on-site sewage disposal need not be combined with adjoining lots in the same ownership in order to meet revised shoreland lot standards. [3-92]

- \* The law allows existing adjoining lots in the same ownership, which do not individually meet the above standards, to be combined and redivided consistent with the above standards. [3-92]

## 7. BUFFER STRIP APPLICATION

The Planning Board may require a buffer strip when a zoning boundary is located adjacent to a different type of zoning area where separation is desirable. [3-81, 3-97]

## 8. ADMINISTRATION

### 8.1 VARIANCES AND APPEALS

8.1.1 The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of this Ordinance for lot area, coverage by structure, and setback. A variance shall not be granted to permit a use or structure otherwise prohibited. [3-81]

8.1.2 Appeals from the decision of the Planning Board may be made to the Appeals Board as provided for by 30-A MRSA Section 2691(4) and acts amendatory or supplemental thereto.

### 8.2 ENFORCEMENT

8.2.1 It shall be the duty of the Building Inspector to enforce the provisions of this Ordinance unless the Town of Wiscasset Ordinances specifically designate otherwise. If the Building Inspector shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notice shall be maintained by the Building Inspector with copies forwarded within 10 days to the Planning Board and Selectmen. [3-92]

8.2.2 When the above action does not result in the correction or abatement of the violation, the Selectmen are hereby authorized and directed to institute any and all actions necessary, including seeking injunctions of violations and the imposition of fines, to enforce the provisions of this Ordinance in the name of the Municipality.

8.2.3 Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of not less than \$5.00 nor more than \$100.00 for each violation. However, in the shoreland zone these fines are not less than \$100.00 or more than \$2,500.00 for each violation. Each day such a violation is continued is a separate offense. [6-91]

\*\*\*\*\*

SUMMARY OF PERMITTED USES

\*\*\*\*\*

A. SHORELAND RESOURCE PROTECTION DISTRICT.

A.1 Permitted Uses:

A.1.1 Harvesting a wild crop such as salt marsh hay or berries.

A.1.2 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking.

A.1.3 Wildlife management practices.

A.1.4 Motorized vehicular traffic on roads and trails, and snowmobiling. [6-74, 6-78]

A.1.5 Forest management activities: timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads. [6-74, 6-88]

A.1.6 Fire prevention activities. [6-88]

A.1.7 Soil and water conservation practices and archaeological sites. [3-92]

a. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts including severe erosion, mass soil movement, improper drainage, and water pollution whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soils Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, an other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist. These requirements shall include the procedures of Article VII Section 2.3.3 g and h. [3-91]

b. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body. [3-91]

c. Any proposed land use activity involving structural development or soil disturbance on or adjacent to land sites listed or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision to the applicant. [3-92]

A.1.8 Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimum disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed area and to protect the public health and safety. [3-91]

A.1.9 Surveying and resource analysis. [6-88]

A.1.10 Emergency operations, which shall include operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury. [6-88]

A.1.11 Essential Services. Where feasible, the installation of essential services shall be limited to public ways and existing service corridors. The installation of essential services is not permitted in a Resource Protection District except to provide services to a permitted use within said district, or where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources including visual impacts. [3-91]

A.1.12 Signs, with a permit from the Sign Control Officer of Wiscasset, subject to the provisions set forth in Article III of the Town Ordinances.

A.2 After review and approval of the Planning Board on finding that the proposed use is not incompatible with use of the surrounding area; the proposed use is not harmful to natural resources or scenic values in the area of proposed use; and the proposed use will

not degrade the air, water or soil, the following uses may be permitted by Special Exception Permit:

A.2.1 Agriculture and Aquaculture in Shoreland Areas. [3-91]

a. 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.

b. Manure shall not be stored or stockpiled within seventy-five (75) feet horizontal distance of water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. 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.

c. 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 zone shall require 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. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

d. There shall be no tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies; nor within twenty-five 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.

e. After the effective date of this Ordinance, newly established livestock grazing area shall not be permitted within seventy-five (75) feet horizontal distance of water bodies, 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. [3-91]

A.2.2 Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. [3-91]

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

- \* On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.
- \* This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located near to the shoreline due to an operational necessity.

b. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body. [3-93]

c. New permanent roads are not permitted within the shoreland zone along Significant River Segments except:

- \* To provide access to structures or facilities within the zone; or
- \* The applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they should be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

d. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary Stream, upland edge of a wetland.

e. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the

provisions for erosion and sedimentation control contained in subsection Q.

f. Road grades shall be no greater than ten (10) percent except for short segments less than two hundred (200) feet. [3-93]

g. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which directed to a unscarified buffer strip shall be diffused or spread out to prompt infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. [3-93]

h. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strip before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

\* Ditch relief culverts, drainage dips and associated water turnouts shall be spanned along the road at intervals no greater than indicated in the following table:

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

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

\* On road sections having slopes greater than ten (10) percent, ditch relief culvert shall be placed across the road at approximately a thirty(30) degree angle downslope from a line perpendicular to the centerline of the road.

\* Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

i. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning. [3-91]

A.2.3 Public facilities for educational, scientific or nature study purposes. Such facilities must be nonresidential and designed for low-intensity use.

A.2.4 Nonresidential structures, accessory to permitted uses, such as boathouses. [3-93]

A.2.5 Public and private parks and recreation areas involving minimal structural development. Within the Shoreland Zone adjacent to tidal and non-tidal areas the minimum lot area shall be 40,000 sq. ft. and the minimum shore frontage shall be 200 feet. [3-91]

A.2.6 Permanent (remain in the water for 7 months or more in any year) piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies, which in addition to federal or state permits which may be required, shall conform to the following: [6-88]

a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. [6-88]

b. The location shall not interfere with developed or natural beach areas. [3-91]

c. The facility shall be located so as to minimize adverse effects on fisheries. [6-88]

d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. [6-88]

e. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity. [3-91]

f. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water

body or within a wetland shall be converted to residential dwelling units in any district. [3-91]

g. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure. [3-92]

h. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C. [3-91]

A.2.7 Public utilities, including sewage collection and treatment facilities. [6-88]

A.2.8 Filling or other earth-moving activity of more than 10 cubic yards, which shall be conducted in such manner to prevent to the maximum extent possible erosion and sedimentation of surface waters. On slopes greater than 25% there shall be no grading or filling within 100 feet of the normal high water mark except to protect the shoreline and prevent erosion. [6-88]

a. A person performing any dredging, bulldozing, removal or displacing soil, sand, vegetation or other materials shall require a permit from the Department of Environmental Protection pursuant to Title 38 MRSA, Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them. [3-91, 3-93]

b. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for: [3-91]

- \* Mulching and revegetation of disturbed soil.
- \* Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
- \* Permanent stabilization structures such as retaining walls or riprap.

c. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided

wherever possible, and natural contours shall be followed as closely as possible. [3-91]

d. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion. [3-91]

e. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition: [3-91]

- \* Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
- \* Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
- \* Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

f. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater and shall be stabilized with vegetation or lined with rip-rap. [3-91]

A.3 The following uses only are permitted with a permit from the Code Enforcement Officer: [6-88]

A.3.1 Timber harvesting. [3-91]

a. Within the strip of land extending 100 feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting Gardiner Pond there shall be no timber harvesting, except to remove safety hazards. [3-92]

b. Except in areas as described in Paragraph "a" above, timber harvesting shall conform with the following provisions:

c. Each tree removed is to be marked for cutting by either a private consulting forester or a State forester who will supervise the cutting and removal of same.

d. 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:

- \* Within seventy-five (75) feet, horizontal distance, of the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
- \* At distances greater than seventy-five (75) feet, horizontal distance, of the normal high-waterline of water bodies or the upland edge of a wetland harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
- \* The Planning Board may approve timber harvesting in excess of the 40% limitation upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such exemption is necessary for good forest management and is carried out in accordance with the purposes of the Act. The planning board must also notify the Department of Environmental Protection of any permits issued for timber harvesting in excess of 40 percent. [3-92]

e. Areas in the Shoreland Resource Protection District beyond 250 feet from the high water mark will not require a permit by the Code Enforcement Officer, but each tree removed is to be marked for cutting by either a private consulting forester or a State forester who will supervise their removal and see that all slash is disposed of in accordance with existing State laws.[3-93]

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

Any debris that falls below the normal high-water line of a water body shall be removed.

g. Timber harvesting equipment shall not use stream channels as travel routes except when:

- \* Surface waters are frozen; and
- \* The activity will not result in any ground disturbance.

h. All crossings of flowing water shall require abridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

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

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

k. Timber harvesting operations not in conformance with Section A.3.1 a. & b. above may be allowed by the Planning Board upon approval of a permit granted upon a clear showing by the applicant that such an exception is necessary for proper timber management.

A.3.2 Structures accessory to permitted uses, shall be setback at least 75 feet from the normal high water line of water bodies, tributary streams, or the upland edge of wetland, except that in the Village Waterfront Zone the setback from the normal high-water line shall be at least twenty-five (25) feet. [3-91]

a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational

necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses. [3-91]

b. Principal or accessory structures and expansions of existing structures shall be governed by the provisions of the Building Laws, Article II, Section 3, Requirements for Building Exteriors. [3-93]

c. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by some types identified as recent flood plain soils. [3-91]

d. The total area of all structures, parking lots and other non-vegetated surfaces within the shoreland zone shall not exceed (20) percent of the lot or portion there of, located within the shoreland zone including land area previously developed. [3-91]

e. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreland access in areas of steep slopes or unstable soils provided; that the structure limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property. [3-91]

#### A.3.3 Clearing of Vegetation for Development [3-91]

a. Within a shoreland area zoned for Resource Protection abutting Gardiner Pond, there shall be no cutting of vegetation within the strip of land extending 75 feet horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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

c. Except in areas as described in A.3.3.a, above, and except to allow for the development of permitted uses, within a strip of land extending to a great pond and seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- \* There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
- \* Selective cutting of trees within the buffer strip is permitted provided that well distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

Note: As an example, adjacent to water bodies, tributary streams and wetlands, if a 25' x 25' plot contains 3 trees between 2" and 4" in diameter, 3 trees between 4" and 12" in diameter, and 3 trees over 12" in diameter the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points.}$$

Thus, the 25' x 25' plot contains trees worth 21 points. Trees totaling 13 points (21-8=13) may be removed from the plot provided that no cleared openings are created.

- \* Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.
- \* Pruning of tree branches on the bottom 1/3 of the tree is permitted.
- \* In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

d. The provisions contained in A.3.3.c, above, shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas however, shall be limited to the minimum area necessary.

e. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year

period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet aboveground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

f. In no event shall cleared openings for development, including but not limited to 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 land previously developed. This provision shall not apply to the General Development or Commercial Fisheries/Maritime Activities District.

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

h. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

A.3.4 Temporary (remaining in the water less than 7 months in any year) piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in addition to federal or state permits which may be required they shall conform to A.2.6 a-h above. [6-88, 3-91]

A.3.5 Filling or other earth-moving activity of less than 10 cubic yards, subject to the provisions in A.2.8 above. [6-88]

A.4 Individual Private Campsites [3-91]

A.4.1 Individual, private campsites not associated with campgrounds are permitted 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 zone, whichever less, may be permitted.

b. Campsite placement on any lot, including the area intended for a recreation vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

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

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

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

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

A.5 The following are not permitted in the Shoreland Resource Protection Districts:

A.5.1 Residential structures unless excepted by Paragraph A.6 [3-96]

A.5.2 Commercial structures

A.5.3 Industrial structures

A.5.4 Government structures

A.5.5 Institutional structures

A.5.6 Campgrounds

A.5.7 Private sewage disposal systems

A.5.8 Structures not accessory to permitted uses

A.5.9 Professional buildings

A.5.10 Outdoor advertising

A.6 Special Exception to Permit Residential Structures [3-96]

A.6.1. The Planning Board may issue a permit for construction of a single-family residence in a Resource Protection District if the applicant demonstrates that all of the following conditions are met. [3-96]

a. There is no location on the property, other than a location within the Resource Protection District where the structure can be built.

b. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District which defined such areas in March, 1993.

c. The proposed location of all buildings, sewage disposal systems and other improvements are:

- \* Located on natural ground slopes of less than 20; and
- \* Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance. If the floodway is not shown on the Federal Emergency Management Agency maps, it is deemed to be 1/2 the width of the 100-year floodplain. For purposes of this subparagraph, "floodway" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot in height and "velocity zone" means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

d. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.

e. All structures, except functionally water dependent structures, are set back from the normal high-waterline or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the planning board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

**B. SHORELAND RESIDENTIAL DISTRICT.**

B.1 The following are permitted without permit from either the Planning Board or Code Enforcement Officer.

B.1.1 Any use permitted in the Resource Protection District without permit. [3-93]

- B.1.2 Small nonresidential facilities for educational, scientific or nature interpretation purposes. [6-88]
- B.1.3 Public and private parks and recreation areas involving minimal structural development. [6-88]
- B.2 The following are permitted with permit from the Planning Board: [6-88]
  - B.2.1 Residential dwelling unit. [6-88]
  - B.2.2 Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:
    - a. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site. [3-91]
    - b. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. [3-91]
  - B.2.3 Permanent piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in addition to Federal or State permits which may be required, they shall conform to the criteria listed in A.2.6 a-h above. [6-88, 3-91]
  - B.2.4 Public utilities, including sewage collection and treatment facilities. [6-88]
  - B.2.5 Government structures. [6-88]
- B.3 The following only are permitted with a permit from the Code Enforcement Officer: [6-88]
  - B.3.1 Structures accessory to permitted uses are subject to the provisions of A.3.2, a-f. [3-91]
  - B.3.2 Temporary (remaining in the water less than 7 months in any year) piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in

addition to federal or state permits which may be required they shall conform to A.2.6 a-h above. [6-88,3-91]

B.3.3 Filling or other earth-moving activity of more than 10 cubic yards subject to the provisions in A.2.8 above.[6-88]

B.4 The following is allowed only with a permit from a Licensed Plumbing Inspector: [6-88]

Private sewage disposal systems, provided that all subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size and shall be setback no less than 100 horizontal feet from the normal high water mark of a water body. This requirement shall not be reduced by variance. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules. Subsurface waste disposal systems shall require a soils report, prepared by a State-Certified soil scientist or geologist based on on-site investigation. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal. [6-88]

B.5 The following are not permitted in the Shoreland Residential Districts:

B.5.1 Commercial structures. [6-88]

B.5.2 Multifamily dwelling units, municipal use, charitable or educational institutions, convalescent or rest homes, nursing homes, day nurseries, and professional buildings or Elderly Congregate Housing. [3-01]

B.5.3 Industrial structures. [6-88]

B.5.4 Institutional structures. [6-88]

B.5.5 Structures within 75 feet of normal high water mark, except those permitted within the Shoreland Resource Protection District or those which require direct access to the water as an operational necessity, such as piers, docks and retaining walls. [6-74, 6-88]

B.5.6 Timber Harvesting, except that authorized by Section A.3.1. [3-91]

B.5.7 Dwelling units in Shoreland area on lots of less than 150 feet shore frontage, measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water elevation; excepting those Lots or Deeds or Plans of Record on the effective date of this ordinance.

B.5.8 Structures covering more than 20% of the area of any lot in the Shoreland area, excepting those Lots or Deeds or Plans of Record on the effective date of this Ordinance.

B.5.9 Residential, governmental, institutional, commercial, and industrial structures in the Shoreland Zone will conform to the following Land Use Standards. [3-91]

a. Minimum Lot Standards within the Shoreland Zone

	Lot Area (sq.ft.)	Shore Front. (ft.)
<u>Residential (per dwelling unit)</u>		
Adjacent to Tidal Areas	43,560	150
Adjacent to Non-Tidal Areas	43,560	200
<u>Governmental, Institutional, Commercial or Industrial (per principal structure)</u>		
Adjacent to Tidal Areas Exclusive of Those Areas Zones for Commercial Fisheries and Maritime Activities	43,560	200
Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
Adjacent to Non-tidal Areas	60,000	300
<u>Public and Private Recreational Facilities</u>		
Adjacent to Tidal and Non-tidal Areas	43,560	200

b. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

c. Lots located on opposite sides of a public or private road shall be considered each a separate tractor parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

d. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

e. If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

f. Clustered housing is permitted within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered. [3-91]

C. SHORELAND BUSINESS DISTRICT.

C.1 The following uses are allowed without permit from the Planning Board or the Code Enforcement Officer.

C.1.1 Any use permitted in the Shoreland Resource Protection District or in the Shoreland Residential District without permit.

C.1.2 Structures accessory to permitted uses, provided all such structures shall conform to the criteria set forth in A.3.2 above. [6-88, 3-93]

C.2 The following are permitted with Planning Board permit and must conform to land use standards set forth in B.5.9 above. [3-91]

C.2.1 Residential dwelling units. [6-88]

C.2.2 Commercial structures. [6-88]

C.2.3 Industrial structures. [6-88]

C.2.4 Government structures. [6-88]

C.2.5 Institutional structures. [6-88]

C.2.6 Campground, provided they conform to B.2.2 above.[3-91]

C.2.7 Permanent piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in addition to Federal or State permits which may be

required, they shall conform to the criteria listed in A.2.6 a-h above. [6-88, 3-91]

C.2.8 Public utilities, including sewage collection and treatment facilities. [6-88]

C.3 The following uses are permitted with a permit from the Code Enforcement Officer: [6-88]

C.3.1 Temporary (remaining in the water less than 7 months in any year) piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length and uses projecting into water bodies provided that, in addition to federal or state permits which may be required they shall conform to A.2.6 a-h above. [3-91]

C.3.2 Filling or other earth-moving activity of more than 10 cubic yards subject to the provisions in A.2.8 above.[6-88]

D. RESIDENTIAL DISTRICT

D.1 PERMITTED USES

D.1.1 Any use permitted in the Resource Protection District.

D.1.2 Single family dwelling unit.

D.1.3 Multifamily dwelling unit with not more than 2 families.

D.1.4 Church, parish house.

D.1.5 Renting of rooms in a private dwelling unit.

D.1.6 Park, playground.

D.1.7 Garden, greenhouse, nursery or similar agricultural use.

D.2 The following are permitted uses provided buildings are not more than 3 stories in height, and are of the same general architectural appearance as existing buildings in the immediate neighborhood, and provided there are adequate off-street parking areas for the normal amount of vehicles expected to be used by inhabitants, clients and employees:

D.2.1 Municipal use.

D.2.2 Multifamily dwelling unit with 3 or more families.

D.2.3 Charitable or educational institution.

D.2.4 Convalescent or rest home, or nursing home or Elderly Congregate Housing. [3-01]

D.2.5 Day nursery.

D.2.6 Professional building.

E. BUSINESS DISTRICT

E.1 The following uses, and building or use customarily accessory, are permitted:

E.1.1 Any building or use permitted in the Resource Protection or Residential District.

E.1.2 Parking lot.

E.1.3 Eating place.

E.1.4 Clinic, medical or dental.

E.1.5 Retail and wholesale outlet.

E.1.6 Service establishment such as bank, barbershop, tailor, laundromat.

E.1.7 Recreational use such as bowling, theater, dance hall.

E.1.8 Funeral home.

E.1.9 Office building.

E.1.10 Any retail business or service involving manufacturing on the premises, and employing not more than 4 persons, the products of which are principally for sale at retail on the premises.

E.1.11 Antique shop.

F. VILLAGE WATERFRONT DISTRICT

The Village Waterfront District as defined in this ordinance, although within the Shoreland General Development District, shall nevertheless be governed by the following limitations:

F.1 PERMITTED USES

F.1.1 Any use permitted in the Shoreland Resource Protection District.

- F.1.2 Single family detached residential dwellings provided that 2 spaces of off-street parking per residence is provided on the premises.
- F.1.3 Renting of rooms in a private dwelling unit provided that one space per rental unit of off-street parking is provided on the premises, and that no more than three rooms shall be so rented.
- F.1.4 Public parks.
- F.1.5 Retail shops, art galleries, restaurants and professional offices provided that one space per each employee of off-street parking is provided on the premises. Further parking requirements subject to Site Review.
- F.1.6 Marinas and Boatyards.
- F.1.7 Marine research facilities.
- F.1.8 Public utility installations, including power substations, pumping stations and waste treatment facilities.

F.2 All structures shall be set back 100 feet from mean high tidemark.

#### G. COMMERCIAL DISTRICTS

G.1 The following uses, and building or use customarily accessory, are permitted:

- G.1.1 Any building or use permitted in the Business District.
- G.1.2 Hotels or Motels not exceeding thirty units.
- G.1.3 Any retail business.
- G.1.4 Any service involving manufacturing on the premises. [9-91]

#### H. NEQUASSET WATERSHED DISTRICT [3-92]

H.1 Special Requirements in the Nequasset Lake Watershed

All streams in the Nequasset Lake watershed shall be protected by state shoreland regulations extended to the uppermost source of each stream.

H.2 Permitted Uses

The following uses are permitted in the Nequasset Watershed District.

H.2.1 Any use permitted in the Residential and Rural Districts; except for public sewer lines, public waterlines, and municipal sewage treatment plants.

H.2.2 Gravel pits are permitted per State Regulations.

H.2.3 Notwithstanding the above, timber harvesting is permitted only in accordance with the standards established in Article VI Section A.3.[3-92]

J. RURAL DISTRICTS

The following uses, and building or use customarily accessory, are permitted:

J.1 Any use permitted in the Resource Protection, Residential or Business Districts.

J.2 Any other building or use, unrestricted.

K. SHORELAND BUSINESS II/ MARINE OVERLAY DISTRICTS

K.1.0.0 Purpose

The purpose of the Shoreland Business II and Marine Overlay Zoning Districts, hereinafter referred to as the Districts, is to provide geographic areas on the +/- 33.19-acre Birch Point peninsula (which was formerly used as an industrial site) where a mixture of uses, including residential, marine, commercial, related ancillary business, and low-impact industrial is encouraged. The Districts are designed to provide and maintain safe and healthy living conditions; prevent degradation of the natural environment; protect and promote marine industries; conserve shoreland vegetation and harmonize commercial, marine business, low-impact industrial and residential uses with the surrounding built and natural environment. The Districts are also intended to allow uses that provide housing and services for their residents and opportunities for economic growth. In addition, the Districts are designed to co-exist with the existing Electric Utility Substation and Facilities located adjacent to and within the Districts.

The Shoreland Business II and Marine Overlay Zoning Districts, as of the effective date of this ordinance, are characterized by an existing, heavily-developed lot with potential for high density, clustered housing, marina facilities, mixed-use development as well as the environmentally-friendly reuse of existing land and buildings. Any mixed use development shall rely on shared infrastructure systems including electrical, telecommunications, water and sewer services, parking lots, transportation facilities, stormwater management, and driveways.

The Special Setback Area is bounded and described as follows: A tract of land at Birch Point in the Town of Wiscasset, being a part of the former Mason Station Property shown on a plan entitled "Shoreland Business District II & Marine Overlay Districts Zoning Map" dated February 28, 2005 bounded and described as follows: Beginning at an iron

rod set labeled "F" on the above mentioned Zoning Map on the northerly line of the land now or formerly of Central Maine Power Company; thence N 51°24'15" W along the northerly line of the land of Central Maine Power Company 51.79' to an unmonumented point at the high water mark of Hilton Cove labeled "A" on the above mentioned Zoning Map; thence northeasterly, easterly, and southeasterly by the high water mark of Hilton Cove and Sheepscot River to an unmonumented point that lies S 86°04'44" W 13.94' from a drill hole in ledge set labeled "H" on the above mentioned Zoning Map; thence S 86°04'44" W 126.43' to an unmonumented point; thence S 41°13'35" W 198.61' to an unmonumented point; thence S 06°32'42" W 55.56' to an unmonumented point; thence S 16°01'17" E 32.63' to an unmonumented point at the center of the railroad spur; thence S 73°50'02" W along the center of the railroad spur 151.17' to an unmonumented point; thence S 72°46'31" W along the center of the railroad spur 53.16' to an unmonumented point; thence S 69°51'14" W along the center of the railroad spur 60.04' to an unmonumented point; thence S 66°48'56" W along the center of the railroad spur 74.39' to an unmonumented point; thence S 57°32'59" W along the center of the railroad spur 12.06' to an unmonumented point on the northerly line of the land of Central Maine Power Company; thence N 51°24'15" W along the northerly line of the land of Central Maine Power Company 284.64' to the point of beginning

The Impervious Surface Ninety Percent (90%) Area is bounded and described as follows: A tract of land at Birch Point in the Town of Wiscasset, being a part of the former Mason Station Property shown on a plan entitled "Shoreland Business District II & Marine Overlay Districts Zoning Map" dated February 28, 2005 bounded and described as follows: Beginning at an unmonumented point on the northerly line of the land now or formerly of Central Maine Power Company at the center of a railroad spur; said point lying S 51°24'15" E, a distance of 284.64 from a rebar set at the top of the bank of Hilton Cove; said rebar being labeled "F" on said Zoning Map; thence N 57°32'59" E along the center of the railroad spur 12.06' to an unmonumented point; thence N 66°48'56" E along the center of the railroad spur 74.39' to an unmonumented point; thence N 69°51'14" E along the center of the railroad spur 60.04' to an unmonumented point; thence N 72°46'31" E along the center of the railroad spur 53.16' to an unmonumented point; thence N 73°50'02" E along the center of the railroad spur 151.17' to an unmonumented point; thence N 16°01'17" W 32.63' to an unmonumented point; thence N 06°32'42" E 55.56' to an unmonumented point; thence N 41°13'35" E 198.61' to an unmonumented point; thence N 86°04'44" E 101.43' to an unmonumented point that lies S 86°04'44" W 38.94' from a drill hole in ledge set labeled "H" on the above mentioned Zoning Map; thence southerly along the westerly boundary of the Marine Overlay District by a line that is 25' from (on the landward side) and parallel to the high water mark of Sheepscot River to a point that lies N 64°11'45" W from an unmonumented point labeled "J" as shown on the above mentioned Zoning Map; thence S 64°11'45" E along the southerly boundary of the Marine Overlay District 25.00' to an unmonumented point at the high water mark of Sheepscot River labeled "J" on the above mentioned Zoning Map; thence southwesterly by the high water mark of the Sheepscot River to the center of the old dam at the outlet of the ice pond; thence southwesterly along the high water mark of the ice pond to an unmonumented point labeled "K" on the above mentioned Zoning Map; thence N 05°57'43" W 388.19' to an unmonumented point on the northerly side of the

access road at the southwest corner of the land now or formerly of Central Maine Power Company; thence N 84° 02'17" E partly along the northerly edge of the access road 398.71' to an unmonumented point; thence N 05° 57'43" W along the land now or formerly of Central Maine Power Company 97.21' to an unmonumented point; thence N 24° 23'29" E along the land now or formerly of Central Maine Power Company 200.41' to an unmonumented point; thence N 65° 16'49" W along the land now or formerly of Central Maine Power Company 31.33' to an unmonumented point; thence N 11° 18'11" E along the land now or formerly of Central Maine Power Company 36.34' to an unmonumented point; thence N 32° 23'50" W along the land now or formerly of Central Maine Power Company 110.13' to an unmonumented point; thence N 23° 54'42" E along the land now or formerly of Central Maine Power Company 33.76' to an unmonumented point; thence N 65° 49'25" W along the land now or formerly of Central Maine Power Company 58.04' to an unmonumented point; thence N 51° 24'15" W along the land now or formerly of Central Maine Power Company 47.86' to the point of beginning. Bearings mentioned above are oriented towards Grid North (NAD 83) as shown on the above mentioned Zoning Map.

Impervious Surface Fifty Percent (50%) Area: All areas of the Shoreland Business II and Marine Overlay Districts not included in the Impervious Surface Ninety Percent (90%) Area.

K.2.0.0 Definitions – The following definitions apply only to the Shoreland Business II District and the Marine Overlay District. All other definitions contained in Wiscasset Ordinances, to the extent they are not in conflict with the following definitions, also apply to the Shoreland Business II District and the Marine Overlay District.

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

Business service: A service provided to other business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar services.

Clinic: An establishment where patients are admitted for examination and treatment by one (1) or more professionals including, but not limited to, physicians, dentists, psychologists or social workers.

Community Center: A building used for recreational, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency.

Community Hall: A building or portion of a building, used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the

public for such functions, which, for example, could include but not be limited to performances, dances, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

Convenience store: A retail establishment offering for sale a limited line of groceries and household items intended for convenience of the neighborhood.

Day care facility: A facility which, for consideration, provides regular care and protection for children under the age of sixteen (16) for any part of the day and is required to be licensed by the state.

Drinking establishments: An establishment required to be licensed to sell alcoholic beverages for on-premises consumption, and which is not regularly used for the purpose of providing full-course meals on the premises, as defined in Title 28-A of the Maine Revised Statutes.

Earth moving activity: Any removal, placement, excavation, filling, stockpiling or grading of soil, earth, loam, sand, gravel, rock, or other natural mineral deposits.

Eating establishment: An establishment that prepares and serves food and beverages intended for immediate consumption in consideration of payment.

Electric Utility Substation and Facilities: Any electrical power transmission or distribution substations and associated equipment and operations including, but not limited to, communications equipment, portable generation, overhead and underground electrical transmission and distribution lines, cables and towers and associated utility corridors, electric distribution line extensions as defined under Chapter 395 of the Maine Public Utilities Commission Rules, and electric utility service centers and equipment.

Facility: A structure, open area, or other physical contrivance or object.

Family: One person, or a group of people living together as a single housekeeping unit, together with incidental domestic servants and temporary nonpaying guests.

Family amusement center: Any structure, open to the public, which may contain coin-operated games and similar entertainment and amusement devices.

Fill: Soil, earth, loam, sand, gravel, rock and other similar deposits.

Filling: The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits.

Impervious surface area: Any surface area which does not absorb rain and includes the footprint of all buildings, roads, sidewalks, parking areas, and any area paved with bricks, gravel, concrete or asphalt.

**Intermodal Transportation Facility:** A facility which accommodates the change from one mode of transportation to another such as docks, park and ride lots, bus stops and railroad stations.

**Low-impact industrial uses:** Facilities and/or industrial activity involving the manufacturing, packaging, assembly or distribution of products from previously prepared materials including, but not limited to, the following: bakeries, breweries, bottling, printing and publishing, machine shops, assembly of electronic components, tool and die shops and the packaging of foods; and/or, the manufacturing of: precision instruments, watches, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry. Low-impact industrial uses do not include salvaging operations.

**Personal services:** Services provided to a person such as laundering of apparel, photography, beauty and barber care, but excluding commercial or industrial laundering of apparel and dry cleaning.

**Private club:** A nonprofit social or recreational facility that is open exclusively to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available.

**Professional office:** An office maintained by an individual or firm for the practice of a professional such as physician, dentist, lawyer, engineer, architect, teacher, accountant, realtor, insurance broker or other professional.

**Recreational area:** A place designed and equipped for sports, leisure time activities and/or other customary and usual recreational activities.

**Recreational trail:** A trail open to the public, established for walking, hiking, non-motorized biking, snow-shoeing, or cross-country skiing, with a tread path no more than twelve (12) feet in width and an overall width including trail side-slopes of twenty (20) feet or less. No motorized vehicles are permitted on a recreational trail except electrically and solar-operated vehicles and similar transportation-related equipment used by persons with limited physical or mental abilities, and vehicles necessary for trail maintenance and emergency purposes.

**Restaurant:** An establishment with a food preparation area, dining area, and persons to prepare and serve food and drinks to guests in consideration of payment.

**Retail establishment:** Any shop or store offering goods, services or merchandise to the general public for direct consumption and not for resale.

**Service drop:** Any utility service to a customer provided that:

1. in the case of electrical service

- a. A “service drop” is the service cable or other conductor providing secondary voltage to the customer’s service entrance equipment from a transformer or from a secondary conductor located on the utility’s distribution system or on a privately owned line extension.

2. in the case of telecommunication service

- a. the extension, regardless of the length, will be made by the installation of telecommunication wires to existing utility poles, or
- b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Studios for artists and craftspeople:** A facility for the production of arts and crafts products such as paintings, sculpture or other arts, or the practice of arts such as music or dance, or the production of custom handcrafted work.

**Theater:** An establishment devoted to showing motion pictures, or used for dramatic, musical or other live performances.

**Use:** The purpose for which land or structures thereon is designed, arranged or intended to be occupied or utilized, or for which it is occupied, maintained, owned, rented or leased.

**Utility substation:** A sewage- or water-pumping station, telecommunications equipment enclosures, or other similar structures owned or operated by a public utility, excluding **any** Electric Utility Substation and Facilities.

**Warehousing:** Storage of goods, wares and merchandise in a structure in consideration of payment.

**Water-dependent uses:** Uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

**Wholesale business:** A business primarily engaged in the selling of merchandise to retailers or to industrial, commercial, institutional, or professional business users, or to wholesalers; or, a wholesale business is a business that acts as agent or broker and buys merchandise for, or sells merchandise to, such individuals or companies.

#### K.3.0.0 Permitted Uses

K.3.1.0 Except to the extent permits may be specifically required by the Shoreland Business II / Marine Overlay Districts ordinance, the following uses are allowed without a permit from the Planning Board or the Code Enforcement Officer in the Shoreland

Business II and Marine Overlay Districts, provided development is in compliance with all applicable laws, rules and regulations:

- (a) The permitted uses in the Shoreland Resource Protection District as set out in the following subsections: A.1.1, A.1.2, A.1.3, A.1.6, A.1.9 and A.1.10;
- (b) Filling and earthwork of less than ten (10) cubic yards of soil;
- (c) Filling and earthwork of more than ten (10) cubic yards of soil if required by state or federal governmental agency order;
- (d) Routine maintenance operations;
- (e) Emergency operations; and,
- (f) Electric Utility Substation and Facilities existing as of the effective date of this ordinance.

K.3.2.0 The following uses are permitted with Code Enforcement Officer approval in the Shoreland Business II District, provided development is in compliance with all applicable laws, rules and regulations:

- (a) Accessory uses and structures except for those that are accessory to uses and structures requiring Planning Board approval;
- (b) Structures for any use permitted in the Shoreland Business II District which remain for less than seven months in any period of twelve consecutive months;
- (c) Service drops, as defined, to approved development;
- (d) Signs subject to applicable sign ordinances;
- (e) Structural development not exceeding 500 sq. ft. that is accessory to and located within a recreational area approved by the Planning Board;
- (f) Non-residential facilities for educational, scientific, or nature interpretation purposes not exceeding 500 sq. ft., provided facility is accessory to development approved by the Planning Board;
- (g) Retaining walls set back a minimum of twenty-five (25) feet from the upland edge of a coastal wetland or the normal high water line of Hilton Pond;
- (h) Driveways; and,
- (i) Clearing of vegetation for development that does not require Planning Board approval.

K.3.3.0 The following uses are permitted with Planning Board approval in the Shoreland Business II District, provided development is in compliance with all applicable laws, rules and regulations:

*Commercial:*

- (a) Professional, business and general offices;
- (b) Restaurants, eating establishments and drinking establishments;
- (c) Meeting and convention halls;
- (d) Hotels and motels and ancillary services customary to the primary use;
- (e) Low-impact industrial uses;

- (f) Retail and service establishments, but excepting establishments with automobile gas pumps;
- (g) Theaters;
- (h) Banking and financial services;
- (i) Laundry services ancillary to the primary use of another permitted use such as hotel and/or marina, but excluding independent commercial laundry facilities and dry cleaning facilities;
- (j) Indoor recreation and family amusement establishments;
- (k) Intermodal transportation facilities;
- (l) Off-street parking lots and garages;
- (m) Personal services;
- (n) Business services;
- (o) Communication studios, broadcast and receiving facilities;
- (p) Self-storage facilities, only within buildings or structures existing on the date of the adoption of this Article;
- (q) Community center;
- (r) Community hall;
- (s) Spa, health club or similar facility;
- (t) Museum art gallery or similar facility; and,
- (u) Warehousing and wholesaling.

*Marine:*

- (a) Marine products wholesaling and retailing;
- (b) Marine repair services and machine shops;
- (c) Harbor and marine supplies and services and ship supply;
- (d) Boatbuilding and facilities for construction, maintenance and repair of vessels;
- (e) Marinas with ancillary services customary to the primary use;
- (f) Marine museums and aquariums;
- (g) Indoor and/or outdoor boat storage facilities;
- (h) Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the upland edge of a coastal wetland or within a wetland; and,
- (i) Aquaculture.

*Residential:*

- (a) Single-family, two-family and multifamily dwelling units.

*Institutional:*

- (a) Public or private schools of any type with ancillary services including dormitories, customary to primary use;
- (b) Clinics;
- (c) Churches;

- (d) Private clubs or fraternal organizations;
- (e) Colleges, universities or trade schools with ancillary services including dormitories, customary to primary use; and,
- (f) Nursery schools, kindergartens, and day care facilities.

*Public:*

- (a) Government buildings and uses;
- (b) Utility substations including sewage collection and pumping stations and water pumping stations; and,
- (c) Public parks and recreational areas.

*Other:*

- (a) Studios for artists and craftspeople;
- (b) Accessory uses or structures customarily incidental and subordinate to the location, function and operation of uses or structures permitted by the Planning Board;
- (c) Parking areas;
- (d) Roads;
- (e) Essential Services;
- (f) Recreational trails;
- (g) Recreational areas;
- (h) Structural development exceeding 500 sq. ft. in a recreational area;
- (i) Principal non-residential facilities for educational, scientific, or nature interpretation purposes;
- (j) Non-residential facilities for educational, scientific, or nature interpretation purposes exceeding 500 sq. ft.;
- (k) Retaining walls within twenty-five (25) feet of the upland edge of a coastal wetland or the normal high-water line of Hilton Pond;
- (l) Filling or earth-moving activity of more than ten (10) cubic yards;
- (m) Electric distribution facilities, telecommunication facilities, including but not limited to, communications equipment, overhead and underground distribution lines, cables and poles; and,
- (n) Clearing of vegetation for development uses requiring Planning Board approval.

K.3.4.0 The following uses are permitted with Code Enforcement Officer approval in the Marine Overlay District, provided development is in compliance with all applicable laws, rules and regulations:

- (a) Signs, subject to applicable sign ordinances;
- (b) Structures for any use permitted in the Marine Overlay District which remain for less than seven (7) months in any period of twelve(12) consecutive months;

- (c) Service drops;
- (d) Structural development not exceeding 500 sq. ft. that is ancillary to functionally water-dependent recreational areas; and,
- (e) Driveways to permitted uses.

K.3.5.0 The following uses are permitted with Planning Board approval in the Marine Overlay District provided development is in compliance with all applicable laws, rules and regulations:

- (a) Marinas with ancillary services customary to primary use;
- (b) Marine repair services;
- (c) Boatbuilding and facilities for construction, maintenance and repair of vessels;
- (d) Boat storage facilities;
- (e) Functionally water-dependent structures permitted in the Shoreland Business II District or the Marine Overlay District which remain for seven (7) or more months in any period of twelve (12) consecutive months;
- (f) Essential services;
- (g) Commercial marine transport and excursion services including ferries, captained chartered services, sport fishing and water taxis;
- (h) Warehousing and cargo handling facilities that are:
  - (i) Temporary in nature (i.e. not to remain for more than 12 consecutive months) and not of a size and scale to permit use as a warehouse meant to serve as a distribution, or wholesale center; or,
  - (ii) Storage facilities particular to the marina service businesses including, but not limited to, storage facilities for the fuel and petroleum products or repair parts used in the routine servicing of marina customers and storage facilities for consumer waste or consumer retail products normally associated with a full-service, waterfront marina and boatyard.
- (i) Fishing, recreational and commercial berthing;
- (j) Public landings;
- (k) Commercial fisheries activities excluding fish processing plants;
- (l) Marine and marine-related uses and activities;
- (m) Electric distribution facilities, telecommunication facilities, including but not limited to, communications equipment, overhead and underground distribution lines, cables and poles;
- (n) Utility substations including sewage collection and pumping stations and water pumping stations;
- (o) Recreational trails;
- (p) Accessory uses or structures;

- (q) Professional offices that support marine-related activities, marine research, education and laboratory facilities, restaurants and other eating and drinking establishments provided the use shall have no adverse impact on any adjacent water body or wetland. In determining that no adverse impact will occur, the Planning Board shall require proof from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, access to water, flood plain management, archaeological and historic resources and functionally water-dependent uses. Any use permitted in this section may only be established within buildings or structures existing as of the effective date of this ordinance;
- (r) Filling or earth-moving activity of more than ten (10) cubic yards; and,
- (s) Retaining walls.

#### K.4.0.0 Prohibited Uses

Uses which are not enumerated in sections K.3.1.0 – K.3.5.0 as permitted uses are prohibited in the Shoreland Business II and Marine Overlay Zoning Districts.

#### K.5.0.0 Dimensional Requirements

The following dimensional requirements shall apply within the Shoreland Business II and Marine Overlay Zoning Districts provided development is in compliance with all applicable laws, rules and regulations:

- (a) Minimum lot size: None.
- (b) Minimum frontage: None.
- (c) Minimum setback requirements:
  - 1. Front setback: None required;
  - 2. Side setback: None required; and,
  - 3. Rear setback: None required.
- (d) Minimum water body setback:
  - 1. Shoreland Business II District:
    - i. There shall be no minimum setback for roads or structures that require direct water access as an operational necessity including, but not limited to, piers, docks, wharfs and bridges, or for buildings in existence as of the effective date of this ordinance. Any enlargement of these existing buildings must comply

with all applicable setback requirements in this ordinance;

- ii. In the Special Setback Area, there shall be a minimum setback of fifty (50) feet from the upland edge of a coastal wetland for one- and two-family dwelling units and their accessory structures, for parking areas and driveways, for structures in a recreational area, for educational, scientific, or nature interpretation non-residential facilities, for clearing of vegetation for approved development, and for signs and service drops. For all other structures located in the Special Setback Area, there shall be a minimum setback of seventy five (75) feet from the upland edge of a coastal wetland; and,
  - iii. In all other portions of the Shoreland Business II District, there shall be a minimum setback of twenty five (25) feet from the upland edge of a coastal wetland, or the normal high-water line of Hilton Pond, for all residential structures (including hotels and motels) and their accessory structures, parking areas, driveways and roads, and fifty (50) feet for all non-residential structures and their accessory structures.
2. Marine Overlay District: There shall be no setback for permitted structures and uses.

(e) Maximum lot coverage: The total of all impervious surface areas shall be:

1. No more than ninety percent (90%) of the Impervious Surface Ninety Percent (90%) Area ; and,
2. No more than 50% for all remaining land in the Shoreland Business II and Marine Overlay Districts.

#### K.6.0.0 Maximum Height of Structures

##### (a) Shoreland Business II District

1. The existing Mason Station building shall not exceed the height of the building as of the effective date of this ordinance;
2. Each non-habitable structure existing as of the effective date of this ordinance that exceeds an applicable height restriction shall not exceed its height as of the effective date of this ordinance;
3. In the Special Setback Area, all one- and two-family dwelling units and their accessory structures within 250 feet of the upland edge of a coastal wetland shall not exceed a maximum height of thirty five (35) feet;

4. In all other portions of the Shoreland Business II District, one and two family dwelling units and their accessory structures shall not exceed a maximum height of thirty five (35) feet; and,
5. All other structures shall not exceed a maximum height of seventy five (75) feet.

(b) Marine Overlay District

1. All habitable structures shall not exceed forty (40) feet in height; and,
2. All non-habitable structures shall comply with applicable Wiscasset ordinances.

K.6.1.0 General Land Use Standards

All land use activities in the Shoreland Business II and Marine Overlay Districts shall conform to the following standards, if applicable.

- (a) The first floor elevation or openings of all buildings and structures including basements constructed after the effective date of this ordinance shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
- (b) No structures shall be constructed on slopes greater than 20% within seventy-five (75) feet from the upland edge of a water body unless they are permissible functionally water-dependent uses or structures or their accessories.
- (c) Notwithstanding the requirements stated above, ramps, stairways, or similar structures may be allowed to provide shoreline access in areas of steep slopes or unstable soils provided:
  1. The structure is limited to the maximum width necessary for proposed use, not to exceed a maximum of six (6) feet in width;
  2. The structure does not extend below or over the upland edge of a coastal wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C), and;
  3. The property owner demonstrates that no reasonable alternative exists on the property within 150 feet of the desired point of access.

K.6.2.0 Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Upland Edge of a Coastal Wetland or Within a Wetland.

- (a) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

- (b) The location shall not interfere with existing developed natural beach areas.
- (c) The facility shall be located so as to minimize adverse effects on fisheries.
- (d) The facility shall be no larger in dimension than necessary to carry on permitted land use activities.
- (e) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the upland edge of a coastal wetland or within a wetland unless the structure requires direct access to the water as an operational necessity, or is a functionally water-dependent use or an accessory to a functionally water-dependent use, or as a permitted use under the provisions of K.3.4.0 and K.3.5.0.
- (f) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the upland edge of a coastal wetland of a water body or within a wetland shall be converted to residential dwelling units.

#### K.6.3.0 Parking Areas

Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body and, where feasible, to retain all run-off on site.

K.6.4.0 Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (a) Roads and driveways shall be set back at least twenty-five (25) feet from the upland edge of a coastal wetland, excepting roads which require access to the shoreline.

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

This subsection shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures and uses.

- (b) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
- (c) Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the

provisions for erosion and sedimentation control contained in subsection K.6.7.0

- (d) Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
- (e) In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained where feasible to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope in width between the outflow point of the ditch or culvert and the upland edge of a coastal wetland or normal high-water line of Hilton Pond. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (f) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:
  - i Ditch relief culverts, drainage dips and associated water turnouts shall 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.
  - iii On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road.
  - iv Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

- (g) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

K.6.5.0 Storm Water Runoff

- (a) All new construction and development shall be designed to manage stormwater runoff on the site in excess of the natural predevelopment conditions. Existing natural runoff-control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (b) Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning

K.6.6.0 Clearing of Vegetation

- (a) Except to allow for development of permitted uses within a strip of land extending seventy-five (75) feet, horizontal distance, from the upland edge of a coastal wetland, a buffer strip of vegetation shall be preserved as follows:

1. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.
2. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section a “well-distributed stand of trees and other vegetation” adjacent to water bodies and wetlands is defined as maintaining a minimum rating score of 8 per 25-foot x 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 – 4 in.	1
> 4 – 12 in.	2
> 12 in.	4

3. Notwithstanding the above provision, no more than 40% of the total volume of trees four (4) inches or more in diameter,

measured at 4 ½ feet above ground level, may be removed in any ten (10) year period.

4. Pruning of tree branches on the bottom 1/3 of the tree is permitted.
- (b) 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 opening shall be replanted with native tree species unless existing new tree growth is present.
  - (c) At distances greater than seventy-five (75) feet, horizontal distance, from the upland edge of a coastal wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.
  - (d) Cleared openings legally in existence on the effective date of this Ordinance may be maintained but shall not be enlarged except as permitted by this Ordinance.
  - (e) Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.
  - (f) In addition to the clearing of vegetation for development standards stated herein, the maintenance of a seventy five-(75) foot vegetated buffer where one currently exists shall be required, except for the area where approved construction occurs.
  - (g) Notwithstanding the above provisions, to the extent a DEP-approved remediation plan requires the removal of vegetation in excess of the limits stated herein, the developer shall submit to the Planning Board and Code Enforcement Officer a plan to re-vegetate the area in a manner consistent with the regulations for the clearing of vegetation for development as stated herein.

#### K.6.7.0 Erosion and Sedimentation Control

- (a) All activities which involve filling, grading, excavation or other similar activities which result in unstable soil conditions and which require a permit, shall require a written soil-erosion and sedimentation-

control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

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

#### K.6.8.0 Soils

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

#### K.6.9.0 Water Quality

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

#### K.6.10.0 Archaeological Site

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

#### K.7.0.0 Performance Standards

All uses in the Shoreland Business II/Marine Overlay Districts shall comply with the following standards:

- (a) Outdoor storage of materials: Outdoor storage of materials accessory to normal conduct of business shall be suitably screened from the public way and from abutting properties by a fence at least six (6) feet in height or by a solid evergreen planting strip. All waste shall be

stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container. All food processing waste shall be stored within a completely enclosed structure. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area;

(b) Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the Shoreland Business II/Marine Overlay Districts shall not exceed seventy (70) decibels on the A scale at the boundaries of any lot between the hours of 7:00 AM and 9:00 PM and fifty (50) decibels between the hours of 9:00 PM and 7:00 AM. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ<sub>1</sub>). The following activities and use shall be exempted from the above-mentioned noise requirements:

1. Construction and maintenance activities between the hours of 7:00 AM and 8:00 PM;
2. The noises of safety signals, warning devices, emergency pressure relief valves, and other emergency devices;
3. Traffic noise on public and private roads or noise created by railroads;
4. Noise created by refuse and solid waste collection, provided that the activity is conducted between 7:00 AM and 6:00 PM;
5. Emergency construction or repair work by public utilities at any hour including, but not limited to, mobile substations;
6. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, and fireworks displays;

(c) Vibration: Vibration inherently and recurrently generated, except during periods of construction, shall be imperceptible without instruments at lot boundaries;

- (d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air;
- (e) Off-street parking and loading: The applicant and/or property owner shall provide documented proof that proposed use(s) will have adequate, on-site parking spaces, which may include shared parking spaces, to fulfill the needs of the development in accordance with the most recent edition of the Parking Generation Manual published by the Institute of Traffic Engineers;
- (f) Floodplain management regulations: Any lot or portion of a lot located within a flood hazard zone as identified on the most recent version of the Town of Wiscasset Flood Insurance Rate Maps shall be subject to applicable Federal Emergency Management Agency Floodplain Management rules and Town of Wiscasset Floodplain Ordinance;
- (g) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries, except glare existing before the adoption of this Article and glare generated from sources directly associated with safety and security of the site;
- (h) Lighting: All exterior lighting fixtures, except fixtures existing before the adoption of this Article shall be of such a design to shield the affixed light bulb from sight beyond the property boundaries, and so designed to minimize light emissions visible from adjoining properties except illumination generated from sources directly associated with emergency operations on the site;
- (i) To mitigate potential adverse impacts between the Shoreland Business II District and the existing Utility Substation and Facilities, the Planning Board may require a buffer strip of not more than twenty five (25) feet in width contiguous to that portion of the Rural District and the Shoreland Business District on which the utility substation is located as of the effective date of this ordinance. In the buffer strip, the Planning Board may require non-residential uses, physical barriers or design features that mitigate potentially adverse visual, sound, safety and security impacts. Non-residential uses or physical barriers may include, but are not limited to, vegetation, commercial structures, berms, fences, walls, and other similar structures. The responsibility for implementing such non-residential uses, physical barriers or design features in the buffer strip shall rest with the owner of the property being developed;

- (j) Road and street construction shall meet the design criteria established by the American Association of State Highway and Transportation Officials based upon projected land uses and traffic volumes;
- (k) Except in the Marine Overlay District, all new electric or telecommunications distribution lines shall be installed underground;
- (l) All structures requiring water and sewer shall be connected to public water and public sewer; and,
- (m) It shall be the responsibility of the property owner, applicant or their representative to demonstrate to the Town that development is in compliance with applicable performance standards. The Planning Board shall have authority to require that any developer bear the expense to investigate and prepare studies deemed necessary by the Planning Board to evaluate impacts and demonstrate compliance with the standards of this Section. If needed, the Planning Board shall have the authority to hire, at the developer's expense, its own consultants to evaluate the developer's plans and studies.

#### K.8.0.0 Applicability of Article VII – Subdivision Ordinance

When the Planning Board is reviewing any application for a subdivision in the Shoreland Business II/Marine Overlay Zoning Districts, the Planning Board may modify or waive any Subdivision requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable. Additionally, the following provisions of Article VII – Subdivision Ordinance shall apply as follows:

- (a) Section 2.3.3(n), single-family and multiple family-dwellings minimum lot size requirements do not apply;
- (b) Section 2.3.5, street and road construction requirements shall not apply in its entirety, provided applicant submits documented proof to the Planning Board that all road and street construction meets the design criteria established by the American Association of State Highway and Transportation Officials based upon projected land uses and traffic volumes; and,
- (c) Section 5.2, timing requirements shall apply, except that the subdivider shall have two (2) years to commence construction and ten (10) years to complete the specifications on the final subdivision and site plan review plans and documents.

#### K.9.0.0 Applicability of Article VIII – Site Plan Review Ordinance

When the Planning Board is reviewing a proposal that requires Site Plan Review in the Shoreland Business II/Marine Overlay Districts, the following provisions of Article VIII – Site Plan Review shall apply as follows:

- (a) Section 6.2.3, placement of fill shall not apply if the applicant is conducting such activities in accordance with Department of Environmental Protection approved order, permit, closure or remediation plan;
- (b) Section 6.8.3, minimum parking space requirements shall not apply except that applicant shall clearly establish and document that proposed use(s) will have adequate on-site parking spaces, which may include shared parking spaces, to fulfill the needs of the development in accordance with the most recent edition of the Parking Generation Manual published by the Institute of Traffic Engineers; and,
- (c) Section 7.1, waiver standards shall be replaced with: The Planning Board may modify or waive any Site Plan Review requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable.

#### K.10.0.0 Applicability of Article II – Building Laws

When the Planning Board or Code Enforcement Officer is reviewing an application for Subdivision, Site Plan Review or building permit in the Shoreland Business II/Marine Overlay Districts, the following provisions of Article II – Building Laws shall not apply:

- (a) Sections 2.1 – 2.17, lot size and setback requirements.
- (b) Section 3.2, height.
- (c) Section 7.9, State lot size for water and sewer lines and disposal regulations.

\*\*\*\*\*

DEFINITION OF DISTRICTS and ZONING MAP

\*\*\*\*\*

The following text defining Districts and Zones are included herein for assistance only. The official Zoning Map is the definitive document delineating Districts and Zones and is incorporated into these Town Ordinances. Where boundaries are shown following property lines, it is intended that the official Zoning Map delineate Districts and Zones precisely along these property lines. However, it is probable that in various instances a property line as depicted on the Zoning Map will not precisely correspond to the property line as determined by a survey or by deed research. Therefore, any inconsistency between the Zoning Map and a property line in effect at the time the Zoning Map was adopted or is amended shall be resolved in favor of the actual property line. In the following definitions of Districts, lots are referred to by Tax Map and Lot number, or by owner. [6-90, 3-92]

PROCEDURE FOR CONTROL OF THE OFFICIAL ZONING MAP.

The Town Clerk shall maintain a record of changes to the official Zoning Map as voted by the Town starting with town meetings after 1 June 1992; Maps presented to the Town and adopted by the Town shall be attested to by the Town Clerk. A composite map shall be maintained in the Town Office to sum up the display of the latest definitions of districts. A small-scale composite shall be in the town ordinances. A working copy shall be maintained by the Town Clerk to show the latest zoning changes. [6-92]

AA. SHORELAND RESOURCE PROTECTION DISTRICT

AA.1 From the northerly Crandall property limit along the Sheepscot River, southerly and westerly along Clark's Point to the southerly property of Kahl.

AA.2 From the northwestern boundary of Tucker where it intersects the continuation of Fore Street (known as Front Street),thence north to the middle of Lee Street and the end of the 250-foot Shoreland Zone; thence westerly and southwesterly to the southeastern end of the Myer property.

AA.3 From the northeasterly line of Stetson, White and Scaife to the end of their property where it meets the Lord property.

AA.4 From the northern property line of Maine Yankee and the Sheepscot River to 30 feet north of the northern side of Old Ferry Road on the property of Maine Yankee.

AA.5 From a line drawn from the cove where Maine Yankee property abuts that of King to the easterly shore of that point of land (Ready Point) owned by Maine Yankee and thence to the property of said King.

AA.6 From the intersection of King and U.S. Gypsum land, northerly along Chewonki Creek and thence southerly to the intersection of the Chewonki and Gould property on said creek.

AA.7 From the southerly property line of Chewonki and Gould, northerly to the property line of Brackett.

AA.8 From a line 130 feet north of the property line of Sewall with Maine Yankee to the southerly center of Gorham Road.

AA.9 One hundred (100) feet around the entire shore of Gardiner Pond, as a possible future source of town water.

AA.10 All islands and ledges lying within the Town of Wiscasset except Foxbird Island and the Town property on Cow Island are Shoreland Resource Protection District.

AA.11 Stream resource protection areas. The following subparagraphs relate to activities in these areas.

- A.2.1 Agricultural activities
- A.2.2 Roads and Driveways
- A.2.8 Filling and earth-moving activities
- A.3.1 Timber harvesting
- A.3.2 Structures
- A.3.3 Clearing of vegetation
- A.4.1 Campsites
- B.2.2 Campgrounds
- B.5 Structures

AA.11.1 Polly Creek Stream Protection. From the point of confluence of two perennial streams located within lot R-5-74, presently owned or previously owned by Brun and lot R-5-76 presently owned or previously owned by J. Sutter thence flowing through the following properties to the point where it joins the existing Shoreland zone at its outlet into the Sheepscot River.

<u>LOT NUMBER</u>	<u>PRESENTLY OWNED OR PREVIOUSLY OWNED BY</u>
R-5-75 crosses Route #218	Fuegen
R-5-96	Central Maine Power
R-5-95A	Sannella
R-5-92	----
R-5-95	Owen
R-5-94	Morrell

R-5-93 Sheldon  
 R-5-122 Fowles

AA.11.2 Montsweag Brook Stream Protection. From the point of confluence of two perennial streams located within lot R-2-42C presently owned or previously owned by Webber; the westerly branch of Montsweag Brook flows easterly and southerly through the following properties to its point of confluence with the easterly branch in lots R-2-15A and R-2-15B.

<u>LOT NUMBER</u>	<u>PRESENTLY OWNED OR PREVIOUSLY OWNED BY</u>
R-2-42B	Munson
R-2-14A	J. Delano
R-2-12A	Colby
R-2-12	Judkins
R-2-13	Town
R-2-14	Delano
R-2-15D	Nichols
R-2-15	Morton
R-2-15A	McConnell

From the point of confluence of two perennial streams located within lot R-3-23 presently owned or previously owned by Dauplaise; the easterly branch of Montsweag Brook flows southerly through the following properties to its point of confluence with the westerly branch in lot R-2-15A and R-2-15B.

<u>LOT NUMBER</u>	<u>PRESENTLY OWNED OR PREVIOUSLY OWNED BY</u>
R-3-30	Barnes
R-3-28	L. Colby
R-3-29	Craft
R-3-27	Faulkingham

From the point of confluence of its East and West branches located within lots R-2-15A presently owned or previously owned by McConnell and R-2-15B presently owned or previously owned by Soule; Montsweag Brook flows southerly through the following properties to Gorham Road where it joins the previously established Shoreland Zoning.

<u>LOT NUMBER</u>	<u>PRESENTLY OWNED OR PREVIOUSLY OWNED BY</u>
R-2-15	Morton
R-2-17C	Applebee

R-2-16	Colby
R-2-17F	Mullins
R-2-17D	Thayer
R-2-17B	Sproul
R-2-17A	Connors
R-2-17E	Delorme
R-2-18A	House
R-2-39	R. & S. Construction
R-2-18	Mank
R-2-19A	T. Barnes
R-2-19B	J. Barnes
R-2-19	F. Barnes
R-2-21	Crocker
R-2-28	Stinson
R-2-22	Hall
R-2-26	Belanger
R-1-12	Amirault
R-1-12A	Delano
R-1-13	Heineck
R-1-9	S. Jones
R-1-14	Leavitt
R-1-15C	Savage
R-1-15E	J. Jones
R-1-16	Ames
R-1-15	Rumrill Pres. Group
R-1-17	Chancellor
R-1-2A	Colby
R-1-1A	C.M.P
R-1-1	L. Colby
R-1-26A	Erskine
R-1-25	Titcomb
R-6-43	Hanson
R-7-87	Maine Yankee
R-7-75-5	Lane
R-7-75-6	Lane
R-7-75-3	Harvey
R-7-74A	Banker
R-7-74	Kinney
R-7-75	Harvey
Gorham Road	

AA.11.3 Nequasset Lake Watershed. All streams and ponds, regardless of size, within the Watershed District.

**BB. SHORELAND RESIDENTIAL DISTRICT**

BB.1 From the Alna town line to the southeast to the property of Crandall.

BB.2 Beginning at the easterly boundary of Kahl property following the shore around Clark's Cove, northerly and southerly, to the southerly boundary of the Ancient Cemetery, being land of the Town of Wiscasset.

BB.3 Beginning at the southwesterly boundary of the Myer property, following the shore of the Sheepscot River to the property of Central Maine Power Company.

BB.4 From the westerly boundary of Eastern Realty Sales, Inc. (Lord) around Cushman Point following the shore of the Sheepscot River to the northern boundary of Maine Yankee.

BB.5 From the westerly boundary of Maine Yankee to the northerly boundary of King.

BB.6 From the southerly boundary of Brackett by the shore of Montsweag Creek to the southern property line of Sewall.

BB.7 Along Gardiner Pond from the 100 feet of Shoreland Resource Protection District to the end of the Shoreland Zone.

CC. SHORELAND BUSINESS DISTRICT

CC.1 From the point of land of Maine Central Railroad and the Town of Wiscasset Sewage Disposal Plant westerly along the cove to the northwesterly extension of the center line of Water Street; thence southwesterly along the center of Water Street to the extension of the Hammond property; thence westerly along the Hammond property to the Ancient Cemetery and the end of the Shoreland Zone; thence southwesterly along the Shoreland Zone to the center line of Big Foot Alley; thence easterly along the center of Big Foot Alley to its intersection with the center of Water Street; thence southwesterly to the end of Water Street at the edge of the Sheepscot River; thence in a northeasterly direction along the shore to the point of beginning.

CC.2 The property of Central Maine at Mason Station from the property of Lewis south and ending at the Stetson-White-Scaife line excepting the property described in Article VI, Section KK and LL.

CC.3 From the beginning of the property of Maine Yankee below the Bailey property along the shores of Bailey's Point; thence along the westerly shore of Ready Point to the line described in Shoreland Resource Protection District. (This section from the brook at the head of the cove is to be treated by Maine Yankee as Shoreland Resource Protection District.)

CC.4 All land lying within 250' of normal high-water mark of any pond, river or saltwater body and not part of the Shoreland Resource Protection District or the Shoreland Residential District.

DD. RESIDENTIAL DISTRICT

DD.1 Beginning at the Sheepscot River and the southeast corner of land of Gerald Sherman (U-3-30) westerly to its intersection with the property line of R. King (U-3-23), thence northerly to the northeast corner of property of F. Hussey (U-3-22), thence westerly along the Hussey/Sherman property line extended to the center line of Federal Street, thence northwesterly along the center line of Federal Street and Route 218 to its intersection with the center line extended of Langdon Road, thence southwesterly along the center line of Langdon Road extended to its intersection with the southern property line of land formerly of L. Shea (R-6-25), thence westerly to the center line of the Gardiner Road; thence southerly along the center line of the Gardiner Road to its intersection with the center line extended of Churchill Street, thence southerly along the center line of Churchill Street to its intersection with the center line of Willow Lane extended; thence westerly along the center line of Willow Lane to the property line extended of K. Bridgham and the New England Forestry Foundation (R-6-36); thence southerly to the western property line of G. Fowles (U-5-9A), thence westerly along G. Fowles property line to its intersection with the E. Johnson (R-6-37), thence southerly to the property line of A. Thompson (U-5-4A), thence southerly along the western property line of P. Groetzing (U-7-16B), A. Thompson, C. Hurd (U-7-16A), M. Sharrigan(U-7-18), and L. Cloutier (U-7-17), extended across Bradford Road to the joint property line of J. Pendleton (U-7-2) and R. Spinney (U-7-1); thence easterly along the southern boundary of R. Spinney, N. Stone (U-6-6), L. Mihalos (U-6-5), N. Bonang (U-6-4A), G. Dowling (U-6-4), B. Blackman (U-6-3), R. Brewer (U-6-2) J. Rafter (U-6-1), and M. Rafter (U-6-24) extended to its intersection with the center line of Route One, thence southerly to its intersection with the property line extended of Heard (U- 6-22), thence westerly and southerly along Heard to the intersection of J. Bruce with Rafter Heirs; thence southerly along J. Bruce, S. Johnson(U-6-20) and D. Holbrook (U-6-19) to its intersection with the northerly property line of Holbrook Heirs (U-9-16) thence westerly along Holbrook Heirs and D. Holbrook (U-9-15)property line to its intersection with M. Rafter property (U-9-14), thence southerly along D. Holbrook extended to the center line of the Old Bath Road, thence easterly along the center line of Old Bath Road extended to its intersection with the center line of Route One, thence northerly to the southern property line extended of H. Ferne, thence southeasterly along the line of Ferne to the Sheepscot River, thence by the shore of the Sheepscot River to the point of beginning, including all

islands and ledges within the Town of Wiscasset which lie within the easterly extensions of the north and south boundary lines of the above described District; excluding, however, from the above those areas designated Commercial as described in Article VI of the Town of Wiscasset Ordinances and Bylaws.

DD.2 Contained within a line beginning at the intersection of the center line of the northerly end of the Old Bath Road and the westerly line of Curtis (U-9-9), extended, thence southerly along the westerly line of Curtis and Wahlstrom (U-9-8) to its intersection with the northerly line of J. Haggett (U-9-8-2), thence easterly to the westerly line of Nichols (U-9-7), thence southerly along Nichols' westerly line to the southeast corner of C. Haggett (U-9-8-1), thence westerly along the southerly line of C. Haggett to a point 350 feet from the center line of U.S. Route One, thence southerly along a line 350 feet from the center line of U.S. Route One to its intersection with the northerly line of Hill (U-10-29) thence southerly along the westerly line of Hill to the southwest corner of Hill, thence westerly along the southerly line of Hill, extended, to a point 350 feet from the centerline of U.S. Route One, thence southerly along a line 350 feet from the center line of U.S. Route One to its intersection with the center line of the Birch Point Road, (abandoned), thence easterly to the westerly line of Dalton (U-10-26), extended, thence southerly along the westerly line of Dalton, Grover (U-10-25) and G. Huber (U-11-22) to its southwest corner, thence westerly along the northerly line of S. Huber (U-11-21) to a point 350 feet from the center line of U.S. Route One, thence southerly along a line 350 feet from the center line of U.S. Route One to its intersection with the northerly line of Morse (U-11-20), thence easterly to the northwest corner of Brooks (U-11-19), thence southerly along the westerly line of Brooks to its intersection with the northerly line of Coastal Towel, Inc. (U-11-18), thence southerly along the westerly line of Coastal Towel, Belanger (U-11-17) and (U-11-16), extended, to its intersection with the center line of Page Avenue, thence westerly along the center line of Page Avenue to a point 350 feet from the center line of U.S. Route One, thence southerly along a line 350 feet from the center line of U.S. Route One to its intersection with the northerly line of Benner (U-11-6), extended, thence easterly to the northwesterly corner of Benner, thence southerly along the westerly line of Benner to its intersection with the northerly line of Onorato (U-11-6A), thence around the westerly line of Onorato to its intersection with the northwesterly corner of Green (U-13-31-7), thence along the westerly line of Green (U-13-31-7 and U-13-31-6), extended, to its intersection with the center line of Ward Brook Road, thence southeasterly along the center line of Ward Brook Road to its intersection with the northerly line of Wiley (U-13-31A), extended, thence westerly and southerly along the westerly line of Wiley to its intersection with the northerly line of the Bible Baptist Church (U-13-30A), thence easterly to a point 350 feet from the center line of U.S. Route One, thence

southerly along a line 350 feet from the center line of U.S. Route One to its intersection with the center line of Beechnut Hill Road, thence westerly to its intersection with the center line of Pinewood Drive thence southerly to its intersection with the northerly line of Norsworthy (U-13-3), thence easterly to its intersection with the westerly line of I.O.O.F. (U-13-1), thence southerly along the westerly line of I.O.O.F. and Parsons (U-13-1A) to its intersection with the northerly line of Daley (U-14-6), thence westerly to a point 350 feet from the center line of U.S. Route One, thence southerly along a line 350 feet from the center line of U.S. Route One to its intersection with the southerly line of Daley (U-14-6), thence easterly to the northwesterly corner of Daley (U-14-5), thence southerly along the westerly line of Daley to the southwest corner of Daley, thence easterly along the southerly line of Daley, extended, to its intersection with the center line of U. S. Route One, thence southerly along the center line of U. S. Route One to its intersection with the center line of the southerly end of the Old Bath Road, extended, thence westerly along the center line of the Old Bath Road to its intersection with the southerly line of Aponte (R-8-1-2), extended, thence westerly to the southern property line, extended, of Fogg (R-8-1A), thence westerly to the center line of Montsweag Brook (Town Line), thence northerly along the center line of the Brook to the northern boundary, extended, of R. Clarke (R-7-90-3), thence easterly along the northerly property lines of Dentico (R-7-90-4), and Ames (R-7-91) to its intersection with the Central Maine Power Company northerly property line, extended, thence northerly along the Central Maine Power Company property line to its intersection with the southerly line of M. Rafter (U-9-14), thence easterly along the M. Rafter property line, extended, to its intersection with the center line of the Old Bath Road, thence easterly along the center line of the Old Bath Road to the point of beginning. [6-91]

## EE. BUSINESS DISTRICT

EE.1 Commencing at the Wiscasset Sewage Disposal Plant, continuing in a southwesterly direction to the center of Water Street; thence along the center of Water Street in a southerly direction to the extension of the northerly boundary of Hammond; thence westerly to the Town property; thence southerly to the center of Lincoln Street; thence northwesterly along the center of Lincoln Street to the center of Federal Street; thence southerly along the center of Federal Street to the extension of the southwesterly property line of Macurda House Corporation; thence following the Macurda House Corporation property line easterly to its intersection with the Holbrook property line; thence northerly to the property of Nadeau; thence easterly along the extension of Nadeau property line to its intersection with the center of Middle Street; thence southerly along the southerly boundary of the Town property to its intersection with the property line of Pels and Kellogg; thence southerly

along the extension of the property lines of Pels and Kellogg and Haggett to its intersection with the center of Big Foot Alley; thence southeasterly along the center of Big Foot Alley and continuing in that direction to the waterfront; thence along the waterfront to point of beginning.

EE.2 Commencing at the northwesterly boundary of the Lincoln County Courthouse southerly along the extension of Lowndes property line (Lot 167, Map U-1) to its intersection with property of Gardiner Savings Institution; thence in a southwesterly direction along the property of Gardiner Savings Institution to its intersection with Hutchins property; thence westerly along Gardiner Savings Institution property line to its intersection with the properties of Helie and Sewall; thence westerly and southwesterly along the extension of the property of Helie to its intersection with the center of Lee Street; thence westerly along the center of Lee Street to its intersection with the center of Route One; thence northerly along the center line of Route One to its intersection with the extension of the northwesterly boundary of the Lincoln County Courthouse.

EE.3 Beginning at the center line of Hooper Street at its intersection with the Gardiner Road; thence easterly by Hooper Street to the northerly extension of the easterly property line of Benedix; thence southerly by Benedix to land of Shorey; thence easterly by Shorey to land of the Town of Wiscasset; thence southerly, easterly and southerly by Shorey's easterly bounds to land of Tims; thence easterly by Tims and land of First National Bank of Damariscotta to the northeast corner of the land of First National Bank of Damariscotta; thence southerly by First National Bank of Damariscotta and land of Petrie to Petrie's southeast corner and land of Doering; thence westerly by Petrie, to the corner of the Gardiner Road; thence northerly by the center of the Gardiner Road to the point of the beginning.

FF. VILLAGE WATERFRONT DISTRICT

The waterfront area of the Village area of the Town of Wiscasset running from the Sewer Treatment Plant and the middle of Water Street, southerly to the middle of Fore Street, also known as Front Street; thence westerly along the middle of Fore Street to the 250' Shoreland Zone; thence along the edge of the 250' Shoreland Zone to the northerly boundary of land of Jane Tucker; containing the land within these bounds to the high water mark.

GG. COMMERCIAL DISTRICT

All lots abutting US Rt. #1 as of August 19, 2003, which lie between the northwesterly sides of US Route #1 and the Old Bath Road to a depth of

(1) the back line(s) of the lot (i.e., the line(s) furthest from US Route #1),  
(2) 1,000 feet from the centerline of US Route #1, or (3) the Old Bath  
Road, whichever of the three is closer to US Route #1; also including the  
land now or formerly of Holbrook depicted on Wiscasset Tax Map U-9 as  
Lot 16A..[6-91, 11-00, 9-03]

HH. NEQUASSET WATERSHED DISTRICT

All land in the Nequasset Lake Watershed.

JJ. RURAL DISTRICT

All land not listed in one of the above Districts (AA-HH, KK and LL).

KK. SHORELAND BUSINESS II DISTRICT

A tract of land at Birch Point in the Town of Wiscasset, being a part of the former Mason Station Property shown on a plan entitled "Shoreland Business District II & Marine Overlay Districts Zoning Map" dated February 28, 2005 bounded and described as follows: Beginning at an iron rod set at the assumed southerly sideline of a town way leading easterly from Birch Point Road to the former Mason Station property at the northeast corner of the land now or formerly of the Chewonki Foundation, Inc. and Thomas B. Stetson, Anne Tierney Stetson & Ethan F. Stetson; thence N 02° 40' 15" W along the end of the town way 13.35' to an iron rod set; thence N 09° 25' 15" W along the end of the town way 54.76' to an iron rod set; thence continuing N 09° 25' 15" W along the land now or formerly of Central Maine Power Company 64.16' to an unmonumented point at the high water mark of Hilton Pond labeled "M" on said Zoning Map; thence northeasterly and northwesterly along the high water mark of Hilton Pond and a concrete dam to a point at an old earth dam on the boundary of the land now or formerly of Central Maine Power Company; thence N 20° 04' 45" E along the land now or formerly of Central Maine Power through the old earth dam to the high water mark of Hilton Cove; thence northwesterly, easterly, southerly, and easterly along the high water mark of Hilton Cove to the land now or formerly of Central Maine Power Company at an unmonumented point at the high water mark of Hilton Cove labeled "L" on the above mentioned Zoning Map; thence S 51° 24' 15" E along the land now or formerly of Central Maine Power Company 172.82' to an unmonumented point; thence S 05° 57' 43" E along the land now or formerly of Central Maine Power Company 101.26' to an unmonumented point on the northerly side of the access road; thence N 84° 02' 17" E partly along the northerly edge of the access road 398.71' to an unmonumented point; thence N 05° 57' 43" W along the land now or formerly of Central Maine Power Company 97.21' to an unmonumented point; thence N 24° 23' 29" E along the land now or formerly of Central Maine Power Company 200.41' to an unmonumented point; thence N 65° 16' 49" W along the land now or formerly of Central Maine Power Company 31.33' to an unmonumented point; thence N 11° 18' 11" E along the land now or

formerly of Central Maine Power Company 36.34' to an unmonumented point; thence N 32°23'50" W along the land now or formerly of Central Maine Power Company 110.13' to an unmonumented point; thence N 23°54'42" E along the land now or formerly of Central Maine Power Company 33.76' to an unmonumented point; thence N 65°49'25" W along the land now or formerly of Central Maine Power Company 58.04' to an unmonumented point; thence N 51°24'15" W along the land now or formerly of Central Maine Power Company 332.50' to an iron rod set labeled "F" as shown on the above mentioned Zoning Map; thence continuing N 51°24'15" W along the land now or formerly of Central Power Company 51.79' to an unmonumented point at the high water mark of Hilton Cove labeled "A" on the above mentioned Zoning Map; thence northeasterly, easterly, and southeasterly by the high water mark of Hilton Cove and Sheepscot River to an unmonumented point that lies S 86°04'44" W 13.94' from a drill hole in ledge set labeled "H" on the above mentioned Zoning Map; thence S 86°04'44" W along the northerly boundary of the Marine Overlay District 25.00' to an unmonumented point; thence southerly along the westerly boundary of the Marine Overlay District by a line that is 25' from (on the landward side) and parallel to the high water mark of Sheepscot River to a point that lies N 64°11'45" W from an unmonumented point labeled "J" as shown on the above mentioned Zoning Map; thence S 64°11'45" E along the southerly boundary of the Marine Overlay District 25.00' to an unmonumented point at the high water mark of Sheepscot River labeled "J" on the above mentioned Zoning Map; thence southwesterly by the high water mark of the Sheepscot River to the center of the old dam at the outlet of the ice pond; thence southwesterly along the high water mark of the ice pond to the land now or formerly of the Chewonki Foundation, Inc. et.als. at an unmonumented point labeled "N" on said Zoning Map; thence N 02°40'15" W along the land now or formerly of the Chewonki Foundation, Inc. et.als. 168.61' to the point of beginning. Bearings mentioned above are oriented towards Grid North (NAD 83) as shown on the above mentioned Zoning Map.

#### LL. MARINE OVERLAY DISTRICT

A tract of land at Birch Point in the Town of Wiscasset, being a part of the former Mason Station Property shown on a plan entitled "Shoreland Business District II & Marine Overlay Districts Zoning Map" dated February 28, 2005 bounded and described as follows: Beginning at a drill hole set in ledge below the high water mark of Sheepscot River lying about 420' northerly of the northeast corner of the brick building known as Mason Station; said drill hole being labeled "H" on the above mentioned Zoning Map; thence N 86°04'44" E into Sheepscot River 600.00' to an unmonumented point; thence S 01°50'59" W 886.03' to an unmonumented point; thence S 34°19'32" W 681.78' to an unmonumented point; thence N 64°11'45" W 600.00' to an unmonumented point at the high water mark of Sheepscot River; said point being labeled "J" on the above mentioned Zoning Map; thence continuing N 64°11'45" W along the boundary of Shoreland

Business II District 25.00' to an unmonumented point; thence northerly along the easterly boundary of the Shoreland Business II District by a line that is 25' from (on the landward side) and parallel to the high water mark of Sheepscot River to a point that lies S 86° 04'44" W, a distance of 38.94' from the point of beginning; thence N 86° 04'44" E 25.00' to the high water mark of Sheepscot River; thence continuing N 86° 04'44" E 13.94' to the point of beginning. Bearings mentioned above are oriented towards Grid North (NAD 83) as shown on the above mentioned Zoning Map.

(zoning map goes here)