

FILE COPY



Department of Conservation
MAINE LAND USE REGULATION COMMISSION
State House Station 22, Augusta, Maine 04333
Telephone (207)287-2631 or (800)452-8711
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September 18, 1995

Joanne Goodridge
First Assessor, Brighton Plantation
RR 1
Athens, ME 04912

Dear Ms. Goodridge:

We received a copy of the Warrant for Brighton's special plantation meeting, including minutes of the meeting recorded on it. The town has now met all the requirements for assuming land use control. This letter formally attests to the transfer of land use jurisdiction from the Commission to the town, effective immediately and retroactive to July 20, 1995, the date on which the town voted to adopt its comprehensive plan and ordinance.

If it has not already been done, the zoning map should be signed by the town clerk and chair person of the Planning Board certifying the date of adoption of the Ordinance and the zoning map (per the requirements of your Ordinance, p.15) to clearly indicate when it became effective.

Please send us copies of any future amendments to your Plan, Ordinance, or zoning map since the Commission is required by statute to ensure that Brighton continues to meet the standard for removing itself from LURC jurisdiction.

Please let me know if we can be of any further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Fred Todd'.

Frederick W. Todd, Div. Mgr.
Planning and Zoning Division

cc: Peter Richmond
\\lurc\wpfiles\planzone\general\brightex.ltr

Voters

meeting started at 7:00 P.M.
Adjorned at 7:06 P.M.

Brighton Plantation
SOMERSET COUNTY

Office of
The Selectmen, Assessors and Overseers of Poor

WARRANT FOR A SPECIAL PLANTATION MEETING

To Louis Johnson Jr., Constable of the Plantation of Brighton,
County of Somerset;

GREETINGS:

In the name of the State of Maine, you are hereby required to
notify & warn the inhabitants of said Plantation, qualified by law
to vote in Plantation affairs, to meet at the Tpw'n Office in said
Plantation, on Thursday July.20, 1995 at 7:00 P.M., to vote on the
following articles to wit;

Article.1, To choose a moderator to preside at said meeting.
Joanne Goodridge nominated AND seconded Joanne Goodridge
Article.2. To see if the Plantation will vote to accept the *Moderator*

Brighton Plantation Comprehension Land Use Plan &
Land Use Zoning Ordinance.

majority vote 9

ASSESSORS OF BRIGHTON PLANTATION

A True Copy;

Attest; Louis Johnson Jr. Constable of
Brighton Plantation

Louis Johnson Jr.

Joanne Goodridge

Joanne Goodridge

Paul C. Keaten

Paul C. Keaten

Linda Harrison

PROPOSED

BRIGHTON PLANTATION
COMPREHENSIVE LAND USE PLAN
and
LAND USE ZONING ORDINANCE

June, 1995

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SECTION 1
BRIGHTON PLANTATION
COMPREHENSIVE LAND USE PLAN

Introduction

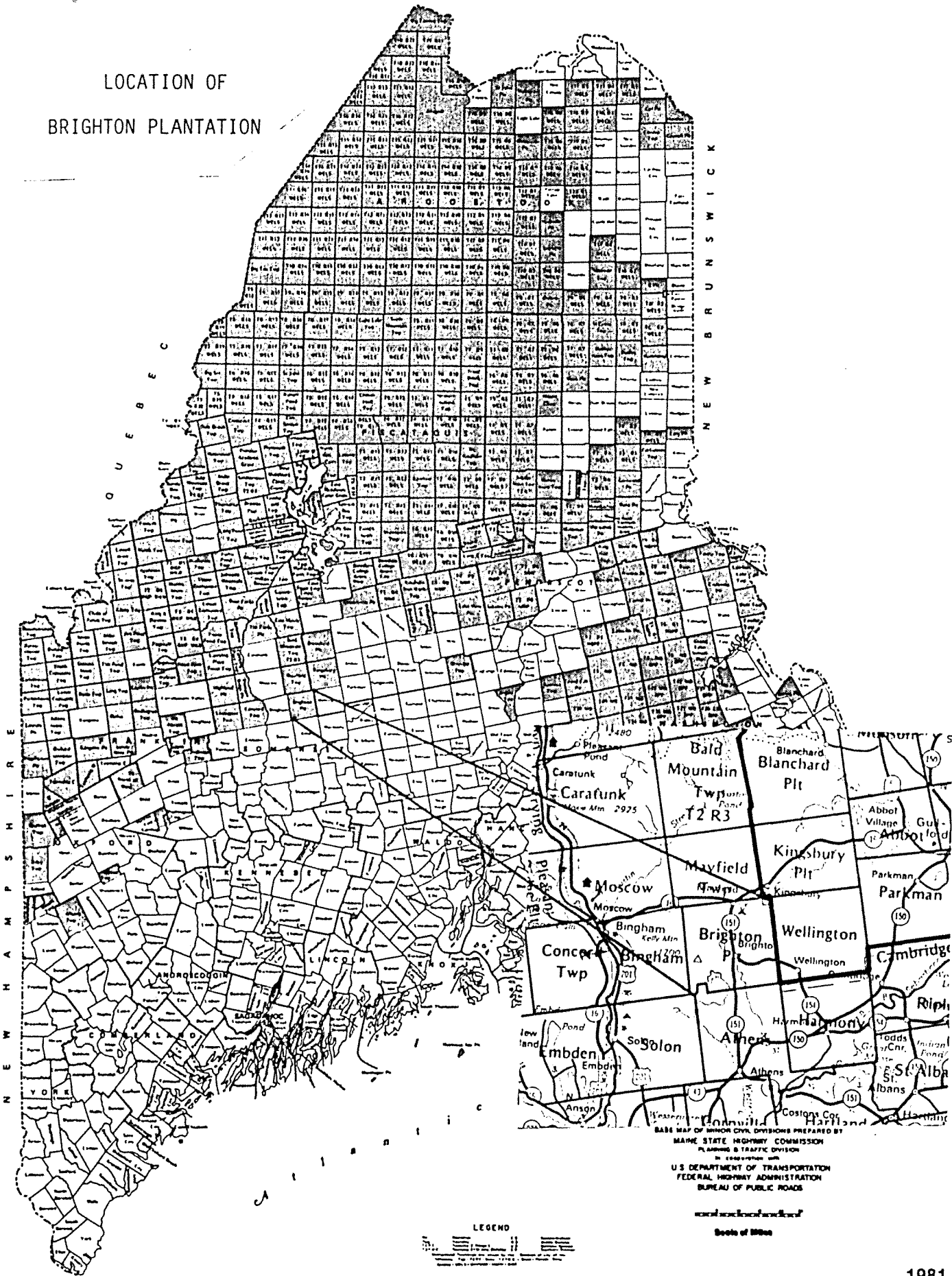
Brighton Plantation is located in central Somerset County 20 miles north of Skowhegan. The total land area is approximately 22,000 acres. Land use is largely forest production. Two major ponds, Smith Pond and Wyman have limited shore development. Both ponds drain into Wesserunsett Stream. Farrin Brothers and Smith, a road building company, is the only commercial operation in the town. The town consists of 18 seasonal dwellings and 37 year-round dwellings.

Brighton is governed by three assessors elected at the annual town meeting to serve one year terms. Also elected at town meeting are the town clerk, treasurer, tax collector, fire warden, constable and sexton.

Brighton is currently under the jurisdiction of the Land Use Regulation Commission. It will remain so until it adopts a comprehensive plan and ordinance which, by law, must not be "less protective of the existing natural, recreational, or historic resources than those adopted by the commission."

Brighton Plantation was organized as North Hill in 1816. It was renamed Brighton in 1827. The town was reorganized as a plantation on April 18, 1895. The high point of population was at the turn of the 20th century. The population declined dramatically after that point as area farms were abandoned. The population of Brighton Plantation has shown a modest growth since 1975 and is now approximately 94. There is little reason to expect any

LOCATION OF
BRIGHTON PLANTATION



BASE MAP OF MINOR CIVIL DIVISIONS PREPARED BY
MAINE STATE HIGHWAY COMMISSION
PLANNING & TRAFFIC DIVISION
IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
BUREAU OF PUBLIC ROADS

LEGEND

[Symbol]	Water
[Symbol]	Highway
[Symbol]	Railroad
[Symbol]	Other

Scale of Miles

population surge or much new building except recreational. Expanded commercial enterprise is likewise not expected. Since 1974, the Land Use Regulation Commission has issued 10 building permits (5 for seasonal homes and 5 for permanent homes). The only development permit issued by LURC within the community was for a landfill site in 1976. An area along Route 151 near the southern town line was rezoned to development to provide for a subdivision of land for house lots. That subdivision, however, was not applied for, and the land remains zoned for development.

Objectives

This plan provides in general terms, direction for future land usage and development in Brighton Plantation. It will enable the town to develop certain priorities on the local level previously overseen by the Land Use Regulation Commission. The community wishes to assume local land use control so that it may have a more direct and greater say in the future of Brighton Plantation.

The objectives of the plan are to make possible the development of Brighton as a community of single family homes with suitable recreational development. There is no objection to some commercial or industrial development as such development would provide economic benefits to the community. Any commercial development, however, must be in keeping with the present character of Brighton, and should be sited such as to avoid traffic congestion and, as is the case for all development, sited as as to avoid undue negative impact on air and water quality.

In accordance with present laws, the town must adopt restrictions to protect shorelines and other land resources, consistent with state

requirements. All development, whether residential, commercial, or industrial, should be in those areas best suited by reason of appropriate soils, topography, highway access, and existing land use patterns. Shoreline development should be outside those areas specifically protected because of special characteristics such as wetlands, flood plains, or wildlife habitat, and should be conducted in a way to protect water resources.

Further, it is the intent of the plan to preserve public health, safety and general welfare: to prevent inappropriate residential, recreational, commercial and industrial uses detrimental to the proper use or value of these areas; to prevent the intermixing of incompatible industrial, commercial, residential and recreational activities; to provide appropriate residential, recreational, commercial and industrial uses, to prevent the development in these areas of substandard structures or structures unduly proximate to waters or roads; to prevent despoliation, pollution and inappropriate use of the water, air and natural resource base; and to preserve ecological and natural values.

The goals, policies and objectives of this plan will be implemented mainly through the passage of a town land use ordinance.

Initially, the ordinance will incorporate all standards and regulations found in the LURC plan and standards pertinent to Brighton Plantation. In addition, the LURC Zoning Map will also be adopted as the town's zoning map. Future amendments in either will be in accordance with current laws and may be initiated by written petition of a number of voters as provided by state law for an article in the town warrant; by request of the Assessors to the Planning Board; or by majority vote of the Planning Board.

LAND USE AND NATURAL RESOURCES

Most of the acreage in Brighton Plantation is in timber production and most of this land is owned by Scott Paper Co. (16,923 acres).

There are three concentrations of development within Brighton: one at the village center (intersection of Routes 151 and 154); a second along Route 154 near Trout Pond (also encompasses most of the shoreland of Trout Pond); and a third in the vicinity of the intersection of Bunker Hill Road, the Brighton Road and Route 151. These areas were designated as development zones under LURC zoning and will remain so under Brighton's proposed zoning. It is expected that any new development will be in the vicinity of these areas although special care will need to be taken in any further major development around Trout Pond to insure that that pond's water quality is not degraded.

Special care will also have to be taken in shoreland development around Smith Pond and Wyman Pond as they have been identified as having water quality limitations to shoreland development. ~~That is, if the shorelands of these two ponds were completely developed, there would most probably be adverse impacts on lake water quality. As such, slightly larger lot frontage requirements will be imposed on shoreland development around these ponds to keep the density of shoreland development to a level where water quality will not be impaired.~~

Smith Pond, Wyman Pond, and Mayfield Pond (partially lying within Brighton, but mostly lying within Mayfield Twp to the north) have all been identified as having significant fisheries by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) under the Maine Wildlands Lake Assessment. Land use activities around these ponds should not be allowed to degrade these special resource values. As such, the Maine Department of Inland Fisheries and Wildlife should be consulted prior to issuing any permits for major land use activities around these ponds.

LIST OF PONDS
BRIGHTON PLANTATION

Name	Acres
Wyman Pond	218
Smith (Weeks) Pond	160
Mayfield Pond	25
Palin Pond	10
Prentiss Pond	7
Trout Pond	7
Unnamed Pond	5
Unnamed Pond	3

There is one area within Brighton presently zoned as a deer wintering area along the East Branch of Wesserunsett Stream (see zoning map for area designated P-FW). This area has been identified by the MDIF&W as necessary for winter shelter of deer. Timber harvesting in that wintering area could cause deer mortality during severe winter conditions. This area will remain zoned as a wildlife protection zone under Brighton's proposed zoning ordinance. The boundaries of this wintering area may change from time to time. The Brighton Planning Board will expect to work with the regional game biologist of the Maine Department of Inland Fisheries and Wildlife in proposing changes to this zone as conditions change and also in considering the establishment of additional deer wintering area zones should the MDIF&W sufficiently document to the community's satisfaction the need for such additional wintering area zones.

There are several areas within Brighton presently zoned by LURC as wetlands -- Bryant Bog, Potter Bog, Decker Bog, Scribner Bog, the shoreland surrounding Palin Pond and small portions of the shoreland surrounding Smith

Pond and Wyman Pond (see proposed zoning map for areas designated as P-WL). These areas will continue to be protectively zoned under Brighton's proposed zoning ordinance. Wetland areas are recognized as being among the most fragile of ecosystems. Protecting wetlands will promote the safety of persons and property against the hazards of flooding and drought by retaining water during dry periods and holding back water during floods. Wetlands also maintain water quality for drinking, serve as a settling basin for silt from upland erosion and provide plant, fish and wildlife habitat.

The forest resource in Brighton is also looked upon by the community as an important natural resource as it ~~is~~ provides a variety of opportunities and values, notably timber harvesting, recreation, energy production, wildlife habitat, and watershed protection. As such, there are many forest practice issues of concern to the community, including the effects of forest practices on water quality and recreation; the possible long term ecological effects resulting from pesticide and herbicide applications; the effects of large harvesting machinery on soil compaction and erosion; the impacts of increased accessibility to previously remote areas; and the effects of forest practices on wildlife habitats and other sensitive areas. Some of these concerns are dealt with within this plan and zoning ordinance; others may be dealt with in later revisions to this plan and ordinance.

Community type facilities such as public water and sewage are not considered to be necessary in the current planning timespan, if ever. State plumbing codes will continue to apply with more local supervision. In general, development and concentration of development in Brighton should be in keeping with the natural character of the area and where safe and approved access to public roads shall have been obtained. All land use activities shall be carried out in such a fashion as to insure that Brighton remains a desirable place to live.

SPECIFIC GOALS AND POLICIES

The community's actions shall be guided by the following specific goals and policies:

I. NATURAL RESOURCES

A. Forest Resources

Goal: Conserve, protect and enhance the forest resources which are essential to the economy of the state as well as to the community

Policies:

1. Discourage development that will interfere unreasonably with continued timber and wood fiber production.
2. Protect areas identified as environmentally sensitive by regulating forestry activities, timber harvesting, and construction of land management roads.
3. Monitor the installation of new road networks in order to anticipate and plan for future growth and public access and use in appropriate areas.
4. Allow harvesting of dead and dying trees resulting from budworm infestation or other causes, consistent with the community's responsibility for protection of significant natural resource values and uses.

B. Water Resources

Goal: Protect and enhance the quality and quantity of surface and ground waters.

Policies:

1. Regulate water and land uses to reasonably avoid degradation of water quality and to ensure that human, fish, wildlife and plant habitats are not unduly harmed.
2. Regulate dredging, filling, draining, and alteration or development of bottom, shoreland and wetland areas in order to prevent water pollution, destruction of fish, plant and wildlife habitat, disruption or pollution of ground water tables and disturbances to recreational and aesthetic values.
3. Prohibit new structures in flood prone areas that would be harmed under flood conditions.

4. Prohibit buildings, disposal of sewage, sludge or manure, and other inappropriate land use activities on wetlands.
5. Conserve and protect lakes, ponds, streams, and their shorelands which provide significant public recreational resources.
6. Administer site development standards, including appropriate setback requirement, to protect water quality, water quantity, recreational and aesthetic values of lakes and streams.

C. Fisheries and Wildlife Resources

Goal: Conserve and protect the aesthetic, ecological, recreational, scientific, cultural and economic values of wildlife and fisheries resources.

Policies:

1. Regulate land use activities to protect wildlife habitats, including deer wintering areas.
2. Regulate land use activities to protect habitats for fish spawning, nursery, feeding, and other life requisites for fish species.

D. Soil and Geological Resources

Goal: Conserve soil and geological resources by controlling erosion.

Policies:

1. Administer standards for structural development and other land uses based on soil suitability.
2. Administer performance standards for timber harvesting, road construction, gravel extraction, stream crossings, and other land use activities in order to control potential causes of accelerated soil erosion.

E. Scenic Resources

Goal: Protect quality of scenic character and natural values by fitting proposed land use activities harmoniously into the natural environment and by minimizing adverse aesthetic effects on existing uses, scenic beauty, and natural and cultural resources.

Policies:

1. Encourage concentrated patterns of growth to minimize impacts on natural values and scenic character.

2. Regulate land uses generally in order to protect natural aesthetic values and prevent incompatibility of land uses.

II. DEVELOPMENT

Goal: Guide the location of new development in order to protect and conserve forest, recreational, plant or animal habitat and other natural resources, to ensure the compatibility of land use with one another and to generally preserve the present quality of life in Brighton.

Policies:

1. Discourage growth which results in scattered and sprawling development patterns.
2. Require that provision be made for fitting development harmoniously into the existing natural environment.
3. Encourage orderly growth within and proximate to existing, compatible developed areas.
4. Permit subdivision developments only in areas zoned for development.
5. Limit residential densities on the basis of soil suitability and other site conditions.
6. Require the use of buffers, building setbacks, and landscaping to minimize the impacts of land use activities upon one another and to maintain the scenic quality of shorelines and roadways.

IMPLEMENTATION

The goals, policies and objectives of this plan will be implemented mainly through the passage and enforcement of a town land use ordinance. A proposed ordinance is included in Section 2 of this document. To meet federal requirements for flood insurance and federal disaster programs as well as to control development in areas prone to flooding, the town should adopt the model federal ordinance designed for this purpose.

The acceptance of any subdivision by the planning board will be based on meeting the criteria listed in state law. All subdivisions will also meet the standards of the zoning ordinance, be located in general or residential development zones, and be compatible with this plan before acceptance.

To further meet the goals of this plan, the planning board will be active in local enforcement of the following state laws:

- | | |
|---------------------------------|------------------------------|
| 1) Shoreland Zoning | 38 MRSA Sections 435-449 |
| 2) Natural Resources Protection | 38 MRSA Section 480 |
| 3) Site Location of Development | 38 MRSA Sections 481-490 |
| 4) Subdivision of Land | 30-A MRSA Sections 4401-4407 |

The planning board and the assessors will continue to study other needs of the town and make recommendations and proposals to town meetings for means to meet such other needs.

Establishment of Planning Board

Pursuant to the laws of the State of Maine, Brighton Plantation hereby establishes the Brighton Planning Board.

Appointment and Terms of Office

- ?
- A. Appointments to the board shall be made by the assessors.
 - B. The board shall consist of 3 members.
 - C. These members shall not hold other elected town offices.
 - D. A secretary, shall be selected from among the members.
 - E. The terms of the 3 members shall be for 3 years, except that the initial appointments shall be for 1, 2 and 3 years.
 - F. When there is a vacancy, the assessors shall, within 60 days, appoint a person to serve for the unexpired term.

Organization and Rules

- A. The board shall elect a chairman, his term to be 1 year with eligibility for re-election.
- B. When a member is unable to act because of interest, illness, or absence, the Chairman shall enlist the first assessor to sit in his stead as an associate member, provided that some vote has the needed urgency in the opinion of the Chairman.
- C. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- D. There shall be at least one regular meeting each quarter.
- E. No meeting shall be held without a quorum of 2 members excluding the first assessor associate member.
- F. The board shall adopt rules for the transaction of business and the secretary shall keep records which will be public.
- G. The Code Enforcement Officer shall be the Chairman of the Planning Board, who will take action after consultation with the above board.

SECTION 2
LAND USE ZONING ORDINANCE
OF BRIGHTON PLANTATION

Article 1. General Provision

1.1 Short Title

This ordinance will be known and may be cited as the "Land Use Zoning Ordinance of Brighton Plantation, Maine" and will be referred to herein as this "Ordinance".

1.2 Purpose

The purposes of this ordinance, prepared in furtherance of a comprehensive land use plan for the promotion of the health, safety, and general welfare of Brighton Plantation, are to encourage the most appropriate use of land throughout the town; to promote traffic safety and safety from fire; to prevent development of areas subject to flooding or on soils inappropriate for certain uses; to ensure that future building sites and the placement of structures and other land uses are compatible with the protection of existing natural, recreational, and historic resources; to prevent and control water and air pollution; to protect fish, birds, spawning grounds, and other wildlife habitat; to conserve shoreland cover; to protect and enhance visual, aesthetic, and recreational resources; and to retain natural beauty.

1.3 Basic Requirements

All buildings or structures erected, reconstructed, altered, enlarged, or moved, and uses of premises in the Plantation shall be in conformity with the provisions of this Ordinance. No building, structure, or land shall be used for any purpose or in any manner except as permitted pursuant to this ordinance within the District in which such building, structure, or land, is located.

1.4 Non-Conforming Uses

1. Continuance

The use of land, building or structure, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such building or use does not conform to the provisions of this Ordinance. A non-conforming building or structure may be repaired, maintained, or improved. Expansion of a non-conforming structure or use may be permitted by the Planning Board, provided that such expansion does not increase the extent of non-conformity.

2. Discontinuance

A non-conforming use which is discontinued for a period of two (2) years may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

3. Non-Conforming Lot of Record

A building may be built on a non-conforming lot for which a deed was recorded in the Registry of Deeds before the effective date of this Ordinance, provided that:

- a. The proposed sewage system meets the requirements of the Maine Subsurface Sewage Disposal Rules.
- b. The building and use are permitted in the District for which it is proposed.
- c. The building will conform to the setback requirements of this ordinance for the district in which it is proposed.
- d. All applicable regulations, other than those of lot size, of the Ordinance are complied with.

4. Contiguous Lots of Single Ownership

If two or more contiguous lots or parcels are in single ownership or record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the land involved shall be considered to be a single parcel for the purposes of this Ordinance, and no portion of the parcel shall be built upon or sold which does not meet dimensional requirements of this Ordinance; nor shall any division be made which creates any dimension or area below the requirements of this Ordinance.

5. Damage or Destruction

A non-conforming building or structure damaged or destroyed by fire, explosion or act of God may be rebuilt, provided the rebuilding is begun within two years of the disaster, and provided that the number of square feet of floor area devoted to the non-conforming use is not increased. A permit from the Planning Board is required prior to any rebuilding of a non-conforming building or structure.

6. Transfer of Ownership

Ownership of land and structures which remain lawful but become non-conforming by the adoption or amendment of this Ordinance may be transferred and the new owner may continue the non-conforming use subject to the provisions of this Ordinance.

1.5 Validity and Severability

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

1.6 Conflict with Other Ordinances

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

1.7 Amendments

1. Initiation

An amendment to this Ordinance may be initiated by the Assessors or by petition of the Planning Board to the Assessors or by written petition of the number of voters as provided by State law for an article in the town warrant.

2. Hearings

In each case, the Planning Board shall hold a public hearing on the proposed amendment at least 30 days prior to the town meeting called to act on the proposed amendment. Notice of the hearing shall be posted as the notice for town meeting is posted. The Planning Board shall make known its recommendations on the proposed amendment before the vote of the town.

3. Majority Vote

This Ordinance may be amended or repealed by a majority vote at a ~~duly-constructed~~ town meeting.
constituted

4. Shoreland Zoning

The Department of Environmental Protection shall be notified of amendments to this Ordinance within 30 days after the effective date of such amendments to determine conformance with the State shoreland zoning law and guidelines.

1.8 Effective Date

This Ordinance shall become effective after approval by the Land Use Regulation Commission and adoption by the town meeting and filing with the local county registry of deeds.

1.9 Legal Authority

This Ordinance is adopted pursuant to the authority in Title 12, MRSA, Section 685-A, 4, and Title 30, MRSA, Sections 4962 and 5621.

Article 2. Establishment of Land Use Districts

2.1 Land Use Districts

For the purposes of this Ordinance, Brighton Plantation is divided into the following use districts:

1. General Development District
2. Residential Development District
3. Shoreland Development District
4. General Management District
5. Protection Districts

2.2 Location of Districts

The Districts are located and bounded as shown on the official "Land Use Zoning Map of Brighton Plantation" dated _____, on file in the office of the town clerk. The map shall be signed by the town clerk and chairperson of the Planning Board certifying the date of adoption or amendment of this Ordinance and of the Zoning Map.

2.3 Uncertainty of Boundary Location

Where uncertainty exists with respect to the exact location of boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following well established lot lines shall be construed to follow such lot lines;
3. Boundaries indicated as approximately following municipal limits shall be construed to follow municipal limits;
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
5. Boundaries indicated as being parallel to or extensions of lines or features described in subsections 1 through 5 above shall be so construed. Distances not indicated on the Zoning Map shall be determined by the scale of the map; and
6. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other

circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the District boundaries.

2.4 Uses Allowed Without a Permit

Except where stated otherwise, the following uses are allowed in all districts without a permit:

1. Primitive recreational uses, including boating, fishing, hiking, hunting, trapping, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, cross country skiing, snowshoeing, canoeing, and boating.
2. Motorized vehicular traffic on roads and trails, and snowmobiling,.
3. Forest management activities except for timber harvesting, fire prevention activities, wildlife management practices, and soil and water conservations practices.
4. Parks, playgrounds, and other similar or related municipal uses except within shorelands of major standing bodies of water (P-GP) and Shoreland Development Districts (D-SL).
5. Mineral exploration
6. Surveying and other resource analysis.
7. Emergency operations conducted for public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations.
8. Timber harvesting and land management roads within General Management Districts.
9. Timber harvesting and roads, including land management roads, within shorelands of minor flowing waters and water crossings of minor flowing waters subject to the applicable requirements of Article 4 of this Ordinance.
10. Agricultural management activities (except within shorelands of major standing bodies of water designated as P-GP) subject to the applicable requirements of Article 4 of this Ordinance.
11. Signs subject to the applicable requirements of Article 4 of this Ordinance.
12. Trails provided they are constructed and maintained as to reasonably avoid sedimentation of water bodies.
13. Campsites within General Management Districts.
14. Service drops.

2.5 Criteria for Considering Conditional Uses in All Districts

A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that:

1. Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Planning Board shall consider as appropriate:
 - (a) the size of the proposed use compared with surrounding uses;
 - (b) the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
 - (c) the potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
 - (d) unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties; and
 - (e) the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.
2. Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this criteria, the Board shall consider as appropriate:
 - (a) the ability of traffic to safely move into and out of the site at the proposed location;
 - (b) the presence of facilities to assure the safety of pedestrians passing by or through the site;
 - (c) the capacity of the road network to accommodate the proposed use; and

(d) the ability of the fire department to provide necessary protection services to the site and development.

3. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties. In reaching a determination on this criteria, the Board shall find, as appropriate, that the proposed use:

(a) will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

(b) will reasonably conserve shoreland vegetation;

(c) will reasonably conserve visual points of access to waters as viewed from public facilities;

(d) will conserve actual points of public access to waters;

(e) will reasonably conserve natural beauty; and

(f) will reasonably avoid problems associated with flood plain development or use."

Article 3. Land Use Districts and Applicable Standards

3.1 General Development District (D-GN)

1. Purpose

This district comprises the area where present and future residential, commercial, industrial and other significant development are considered to be the most desirable in terms of road access, economic viability, concentration of present development, and retention of natural character in the remainder of the community.

2. District Description

This District shall include those areas depicted as D-GN on the Brighton Plantation Zoning Map.

3. Uses Requiring Permit From Code Enforcement Officer:

The following uses are allowed upon issuance of a permit from the Code Enforcement Officer:

- a. Single and two-family units.
- b. Filling, grading, lagooning, dredging, or other earth-moving activity for other than mineral extraction.
- c. Campsites.
- d. Accessory structures and uses.

4. Conditional Uses

The following uses are conditional and require a permit from the Planning Board subject to the criteria in Section 2.5 above.

- a. Multi-family dwelling units.
- b. Commercial structures.
- c. All industrial buildings and uses.
- d. Churches, schools, and other public and institutional buildings and uses.
- e. Subdivisions for uses allowed in this District.
- f. Mobile home parks.
- g. Water impoundments.
- h. Campgrounds having a minimum buffer strip of 50 feet from adjacent lots and a minimum of 5,000 square feet per site.

- i. Mineral extraction operations.
- j. Timber harvesting.
- k. Roads, including land management roads, utility facilities, and water crossings of standing and major flowing waters.
- l. The following uses which are not in conformance with the applicable requirements of Article 4 of this Ordinance:
 - (1) Agricultural management activities.
 - (2) Water crossings of minor flowing waters.
 - (3) Signs.

5. Conditions Attached to Permits

In order to further the purposes of this Ordinance, the Planning Board may attach conditions that it finds necessary to any conditional use permit. Conditions shall be specifically designed to further the purposes of this Land Use District and the Ordinance and to protect neighboring uses and resources. Violation of any condition shall be a violation of this Ordinance.

6. Minimum Lot Size and Setback

The size of a lot on which a dwelling, commercial structure, or any other development is allowed in this District, shall be not less than 1 acre, with at least 200 feet of road frontage. A larger minimum lot size is required if the soil type and condition are such that a larger minimum is necessary according to the standards in Section 4.5.

Building shall have a minimum setback of 50 feet from the front lot line and 25 feet from side and rear lot lines.

7. Performance Standards Applicable

Permitted and conditional uses shall conform to the performance standards described in Article 4 of this Ordinance.

8. All buildings and uses not specifically allowed, with or without a permit, are prohibited.

3.2 Residential Development District (D-RS)

1. Purpose

The purpose of this District is to set aside certain areas for single family residential use so as to provide for residential activities apart from areas of commercial and industrial development. The intention is to encourage the concentration of residential type development in areas which are appropriate for that use and to prevent development in such areas which is incompatible with residential uses.

2. District Description

This district shall include those depicted as D-RS on the Brighton Plantation Zoning Map.

3. Uses Requiring Permit From Code Enforcement Officer.

The following uses are allowed upon issuance of a permit from the Code Enforcement Officer:

- a. Single and two-family dwelling units.
- b. Accessory structures and uses.

4. Conditional Uses

The following uses are conditional and require a permit from the Planning Board subject to the criteria in Section 2.5 above:

- a. Multi-family dwelling units.
- b. Churches, schools, and other public and institutional buildings and uses.
- c. Roads, including land management roads, utility facilities, and water crossings of standing and major flowing water.
- d. Filling, grading lagooning, dredging, or other earth moving activity for other than mineral extraction.
- e. Subdivisions for uses allowed in this District.
- f. Mobile home parks
- g. Timber harvesting.
- h. Water impoundments.
- i. The following uses which are not in conformance with the applicable requirements of Article 4 of this Ordinance:
 - (1) Agricultural management activities.

(2) Water crossings of minor flowing water.

(3) Signs.

5. Conditions Attached to Permits

In order to further the purposes of this Ordinance, the Planning Board may attach conditions that it finds necessary to any conditional use permit. Conditions shall be specifically designed to further the purposes of this Land Use District and of the Ordinance and to protect neighboring uses and resources. Violation of any condition shall be a violation of this Ordinance.

6. Minimum Lot Size and Setback

The size of a lot on which a dwelling or any other development is allowed in this District shall be not less than 1 acre, with at least 100 feet of road frontage. A larger minimum lot size is required if the soil type and conditions are such that a larger minimum is necessary according to the Standards in Section 4.5.

Buildings shall have a minimum setback of 50 feet from the front lot line and 25 feet from side and rear lot lines.

7. Performance Standards Applicable

Permitted and conditional uses shall conform to the performance standards described in Article 4 of this Ordinance.

8. Prohibited Uses

All buildings and uses not specifically allowed, with or without a permit, are prohibited.

3.3 Shoreland Development District (D-SL)

1. Purpose

The purpose of this district is to regulate residential and recreational development and other uses so that the development or use will not degrade the waters, recreational potential, fishery habitat, or scenic character in shoreland areas suitable for development.

2. District Description

This district shall include those areas depicted as D-SL on the Brighton Plantation Zoning Map. The D-SL zone shall extend back 250 feet from the normal high water mark.

3. Uses Requiring Permit From Code Enforcement Officer.

- a. Campsites.
- b. Non-permanent docking or mooring facilities

4. Conditional Uses

The following uses are conditional and require a permit from the Planning Board subject to the criteria in Section 2.5 above:

- a. Single-family and multi-family dwelling units.
- b. Campgrounds having a minimum buffer strip of 50 feet from adjacent lots, a minimum of 5,000 square feet per site, and a minimum setback of 75 feet from the normal high water mark.
- c. Roads, including land management roads, utility facilities and water crossings of standing and major flowing waters.
- d. Subdivisions for uses allowed in this District.
- e. Filling, grading, lagooning, dredging, or other earth-moving activity for other than mineral extraction.
- f. Commercial and industrial uses that require a shoreland location.
- g. Piers, docks, wharves, breakwaters, causeways, marinas, bridges, and uses projecting into water bodies.
- h. Timber harvesting.
- i. Water impoundments.
- j. Mobile home parks

k. Accessory structures and uses.

l. The following uses which are not in conformance with the applicable requirements of Article 4 of the Ordinance:

(1) Water crossings of minor flowing waters.

5. Conditions Attached to Permits

In order to further the purposes of this Ordinance, the Planning Board may attach conditions that it finds necessary to any conditional use permit. Conditions shall be specifically designed to further the purposes of this Land Use District and of the Ordinance and to protect neighboring uses and resources. Violation of any condition shall be a violation of this Ordinance.

6. Minimum Lot Size and Setback

The size of a lot on which a dwelling or any other development allowed in this District shall be not less than 1 acre. A larger minimum lot size is required if the soil type and conditions are such that a larger minimum is necessary according to the Standards in Section 4.5.

Lots shall have at least 100 feet of road frontage, except for commercial lots which shall have at least 200 feet of road frontage. All lots shall have at least 200 feet of shoreline frontage. Frontage shall be measured in a straight line between the points of intersection of side lot lines with the shoreline at normal high water elevation.

Structures shall have a minimum setback of 100 feet from the normal high water mark and 25 feet from side and rear lot lines.

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

Structures shall not cover more than 20% of any lot.

7. Performance Standards Applicable

Permitted and conditional uses shall conform to the performance standards described in Article 4 of this Ordinance.

8. Prohibited Uses

All buildings and uses not specifically allowed, with or without a permit, are prohibited.

3.4 Protection Districts

1. Purpose

The purposes of these districts are to regulate land use to protect the public health, safety and welfare and to protect sensitive and significant resources in the beds and waters of all water bodies (including lakes and ponds), flowing streams, wetlands, floodplains and in shoreland areas along such water bodies in order to maintain water quality and scenic and recreational values; to protect plant, fish, and wildlife habitat; to minimize the economic and human costs of floods; and to maintain the groundwater table and ground water recharge and discharge areas.

2. District Description

This district shall include the following areas:

- a. All shorelands of major standing waters designated on the Brighton Plantation Zoning Map as P-GP with a width of 250 feet from the normal high water mark.
- b. All shorelands of minor flowing water designated on the Brighton Plantation Zoning Map as P-SL2 with a width of 75 feet from the normal high water mark.
- c. Deer wintering areas designated on the Brighton Plantation Zoning Map as P-FW.
- d. Wetlands designated on the Brighton Plantation Zoning Map as P-WL, including the beds of rivers, streams, and lakes.
- e. Floodplains designated on the Brighton Plantation Zoning Map as P-FP.

3. Uses Requiring a Permit from the Code Enforcement Officer.

- a. Non-permanent docking or mooring facilities

4. Conditional Uses

The following uses are conditional and require a permit from the Planning Board subject to the criteria in Section 2.5 above:

- a. Timber harvesting and roads, including land management roads, within deer wintering area (P-FW), wetlands (P-WL), and floodplains (P-FP).
- b. Water crossings of bodies of standing water (P-GP) and floodplains (P-FP).
- c. Piers, docks, wharves, breakwaters, causeways, marinas, bridges, and uses projecting into water bodies.

- d. Utility facilities.
- e. Mineral extraction activities affecting an area less than two acres in size.
- f. Campsites.
- g. Water impoundments.
- h. Parks, playgrounds, and other similar or related municipal uses within shorelands designated as P-GP.
- i. Agricultural management activities.
- j. Accessory structures and uses.
- k. The following uses which are not in conformance with the applicable requirements of Article 4 of this Ordinance:
 - (1) Timber harvesting.
 - (2) Roads, including land management roads, within shorelands of minor flowing waters.
 - (3) Water crossings of minor flowing waters

5. Conditions Attached to Permits

In order to further the purposes of this Ordinance, the Planning Board may attach such conditions that it finds necessary to any conditional use permit. Conditions shall be specifically designed to further the purposes of this Land Use District and of the Ordinance and to protect neighboring uses and resources. Violation of any condition shall be a violation of this Ordinance.

6. Minimum setbacks

All structures which are permitted in Protection Districts shall be set back at least 75 feet from the normal high water mark. This provision shall not apply to structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls.

6. Performance Standards Applicable

Conditional uses shall conform to the performance standards described in Article 4 of this Ordinance.

7. Prohibited Uses

All buildings and uses not specifically allowed, with or without a permit, are prohibited.

3.5 General Management District (M-GN)

1. Purpose

The purpose of this district is to permit forestry and agricultural management activities to occur with minimal interference from unrelated development. In addition, it provides protection of the food supply for wildlife that inhabit the forested areas of the plantation.

2. District Description

This district shall include these areas of the plantation which are depicted as M-GN on the Brighton Plantation Zoning Map. Included within the General Management District shall be areas which do not qualify for inclusion in any other District.

3. Uses Requiring Permit From Code Enforcement Officer.

The following uses are allowed upon issuance of a permit from the Code Enforcement Officer:

- a. The erection of buildings used primarily for agricultural or forest management activities.
- b. Accessory structures and uses.

4. Conditional Uses

The following uses are conditional and require a permit from the Planning Board subject to the criteria in Section 2.5 above:

- a. Single and two family dwelling units.
- b. Roads, other than land management roads, and utility facilities.
- c. Filling, grading, lagooning, dredging, or other earth moving activity for other than mineral extraction.
- d. Mineral extraction activities affecting an area less than 5 acres in size.
- e. Water impoundments.
- f. Campgrounds having a minimum buffer strip of 50 feet from adjoining lots and a minimum of 5,000 square feet per site.
- g. The following uses which are not in conformance with the applicable requirements of Article 4 of this Ordinance.
 - (1) Agricultural management activities.
 - (2) Signs.

5. Conditions Attached to Permits

In order to further the purposes of this Ordinance, the Planning Board may attach conditions that it finds necessary to any conditional use permit. Conditions shall be specifically designed to further the purposes of this Land Use District and of the Ordinance and to protect neighboring uses and resources. Violation of any condition shall be a violation of this Ordinance.

6. Minimum Lot Size and Setback

The size of a lot on which a dwelling or any other development is allowed in this District shall be at least 1 acre, with at least 100 feet of road frontage. A larger minimum lot size is required if the soil type and conditions are such that a larger minimum is necessary according to the Standards in Section 4.5.

Buildings shall have a minimum setback of 75 feet from the front lot line and 25 feet from side and rear lot lines.

7. Performance Standards Applicable

Permitted and conditional uses shall conform to the performance standards described in Article 4 of this Ordinance.

8. Prohibited Uses

All buildings and uses not specifically allowed, with or without a permit, are prohibited.

Article 4. Performance Standards Applicable to Land Use Districts

The following land use standards apply to activities which are allowed in any Land Use District. Where a standard applies, it represents the minimum obligation of the landowner regardless of whether a use is allowed without a permit, requires a permit from the Code Enforcement Officer, or requires a permit from the Planning Board. In attaching conditions to a Conditional Use Permit, the Planning Board shall normally require, at a minimum, that all applicable standards be met. However, where indicated in the list of conditional uses for a given Land Use District, the Planning Board may vary these minimum standards upon a showing that the proposed activity will be conducted in a fashion which is equally protective of the resource.

4.1 Agricultural Management Activities

1. All spreading or disposal of manure shall be accomplished in conformance with the "Maine Standards for Manure and Manure Sludge Disposal on Land" published by the University of Maine and the Maine Soil and Water Conservation Commission in July, 1972.
2. Exposed mineral soil created by tilling of soil shall occur not closer to any normal high water mark of any body of water than is indicated by the following table, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 50 feet:

<u>Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)</u>	<u>Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Ground Surface)</u>
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

3. Agricultural practices shall be conducted in a fashion which minimizes soil erosion, sedimentation, contamination and nutrient enrichment of ground and surface waters.

4.2 CLEARING

The following shall apply to vegetation clearing for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, or agricultural management:

a. A vegetative buffer strip shall be retained within:

- (1) 50 feet of the right-of-way or similar boundary of any public roadway,
- (2) 75 feet of the normal high water mark of any standing body of water less than 10 acres in size, or any tidal water or flowing waters draining less than 50 square miles, and
- (3) 100 feet of the normal high water mark of a standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.

Within this buffer strip, vegetation shall be maintained as follows:

- (a) 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 is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - (b) Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other woody vegetation is maintained. No more than 30% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period.
 - (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
 - (d) Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 sq. ft., these openings shall be established with native tree species.
- b. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a standing body of water greater than 10 acres, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period, except to allow for the development of permitted uses. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to within 250 feet of all standing bodies of water greater than ten (10) acres, and to the full depth of the P-AL zone.
- c. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all Subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing or standing body of water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

4.3 Mineral Extraction

The following requirements shall apply to mineral extraction activities:

1. No portion of any ground area disturbed by extraction activity on a face sloping toward the water shall be closer to the normal high water mark of any body of water than is indicated by the following table, provided, however, no portion of such area on a back face shall be closer than 50 feet:

<u>Average Slope Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)</u>	<u>Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Ground Surface)</u>
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

2. No portion of any ground area disturbed by the extractions activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement or the owner of such adjoining property.
3. Within 250 feet of any water body, the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing soil from being eroded or deposited in such water body. Any such control device shall be deemed part of the extraction area for the purposes of Subsection 1 above.
4. A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately-owned roads.
5. If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately-owned roads, is to

be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

4.4 Roads and Water Crossings

1. The following requirements shall apply to construction and maintenance of roads.
 - a. All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing or standing body of water shall be revegetated or otherwise stabilized so as to prevent soil erosion and sedimentation of water bodies.
 - b. Road banks shall have a slope no steeper than 2 horizontal to 1 vertical.
 - c. Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist.
 - d. In order to prevent road surface drainage from directly entering water bodies, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil and the road and the normal high water mark of a surface water body:

<u>Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)</u>	<u>Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)</u>
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

This requirement shall not apply to road approaches to water crossings.

- e. Drainage ditches for roads approaching a water crossing shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in Subsection (d) above, between the outflow point of the ditch and the normal high water mark of

the water. Where such filter strip is impractical, appropriate techniques shall be used to reasonably avoid sedimentation of the water body.

Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body.

- f. Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
- (1) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less.
 - (2) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road.
 - (3) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in Subsections (c) and (e) above.
 - (4) 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.
 - (5) 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:

<u>Road Grade (Percent)</u>	<u>Spacing (Feet)</u>
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

2. The following requirements shall apply to water crossings when surface waters are unfrozen:
 - a. Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the stream channel.

b. Culvert and bridge sizes may be smaller than provided in Subsection (a) if techniques are employed so that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:

- (1) removing culverts prior to the onset of frozen ground conditions;
- (2) using water bars in conjunction with culverts; or
- (3) using road dips in conjunction with culverts.

c. Culverts utilized in water crossings shall:

- (1) be installed at or below stream bed elevation;
- (2) be seated on firm ground;
- (3) have soil compacted at least halfway up the side of the culvert;
- (4) be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
- (5) have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

3. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

4. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

a. Water bars shall;

- (1) be constructed and maintained across the road at intervals established below:

<u>Road Grade (Percent)</u>	<u>Distance Between Water Bars (Feet)</u>
0-2	250
3-5	200-135
6-10	100-80
11-50	80-60
16-20	60-40
21+	40

- (2) be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;
 - (3) be constructed so as to reasonably avoid surface water flowing over or under the water bar; and
 - (4) extend sufficient distance beyond the travelled way so that water does not re-enter the road surface.
- b. Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:
- (1) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 - (2) it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the stream channel; or
 - (3) it shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.
5. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.

4.5 Sanitation

1. The installation of sewage disposal facilities shall conform to the procedures and standards set forth in the State Subsurface Waste Water Disposal Rules of the Maine State Plumbing Code.

2. The size of a lot on which a building with on-site sewage disposal is to be built shall be not less than the minimum sizes in the table below. These requirements are based on soil profiles and soil conditions existing in the area proposed for development as evidenced by an on-site soil evaluation carried out by a licensed site evaluator as part of the process for designing a septic system. In addition, the building lot must meet the minimum lot size requirements of this ordinance (if any) for the particular District in which the building is proposed.

MINIMUM LOT SIZE BASED ON SOIL CONDITIONS AND PROFILES

<u>Soil Profiles</u>	<u>A</u> (Sq. Ft.)	<u>B</u> (Sq. Ft.)	<u>C</u> (Sq. Ft.)
1	40,000	25,000	33,000
2	30,000	21,000	29,000
3	30,000	29,000	29,000
4	26,000	20,000	25,000
5	80,000	40,000	80,000
6	80,000	40,000	80,000
7	30,000	29,000	29,000
8	34,000	33,000	33,000
9	39,000	38,000	38,000

3. All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size.
4. The minimum setback for subsurface sewage disposal facilities shall be no less than 100 horizontal feet from the normal high water of a body of standing or flowing water. This requirement shall not be reduced by variance.

4.6 Signs

1. Off premise signs meeting the standards of and/or licensed by the State of Maine will be allowed in the General Development District without a permit.
2. In all districts, on-premise signs meeting the following standards will be allowed without a permit; on-premise signs exceeding the following standards may be allowed with a permit from the planning board provided such signs conform with the applicable criteria of Section 2.5 -- this exception shall not apply within P-GP and D-SL districts around major bodies of standing water:
 - a. Signs relating to goods and services sold or to services provided on the premises shall be permitted, provided such signs shall not exceed six square feet in area, and shall not exceed two signs per premises.

- b. Residential uses may display a single sign not over three square feet in area relating to the sale, rental, or lease of the premises.
 - c. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two square feet in area.
 - d. No sign shall extend higher than twenty feet above the ground.
 - e. Signs may be illuminated only by shielded, non-flashing lights.
3. Memorial tablets, traffic signs, and signs erected by the town will be allowed in all districts without a permit.

4.7 Subdivisions

1. The subdivision of land shall only be undertaken in Districts in which subdivision is expressly allowed and shall in all instances require a permit from the Planning Board.
2. The Planning Board shall follow the procedures of 30-A MRSA Section 4551 when acting on such subdivision proposals.

4.8 Timber Harvesting

The following requirements apply to timber harvesting to the extent that timber harvesting is a permitted use within specific land use districts (note: by law, timber harvesting is a prohibited use in resource protection zones around major bodies of standing water):

1. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels of major flowing waters except to cross such channels with a culvert or bridge according to the water crossing requirements specified in Section 4.4 above.
2. Timber harvesting operations within Protection Districts protecting bodies of standing water shall be conducted in the following manner:
 - a. Within 50 feet of the normal high water mark of such waters, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.
 - b. At distances greater than 50 feet from the normal high water mark of such water, harvesting activities may not create single openings greater than 7,500 square feet in the forest canopy. In such areas single canopy openings shall be no closer than 100 feet apart.

- c. Harvesting shall not remove, in any ten-year period, more than 40 percent of the volume of trees on each acre involved of trees 6 inches in diameter and larger measured at 4 1/2 feet above ground level. Removal of trees less than 6 inches in diameter, measured as above, is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.
 - d. No accumulation of slash shall be left within 50 feet of the normal high water mark of such waters. At distances greater than 50 feet from the normal high water mark of such waters, all slash larger than three inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
3. 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 filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

<u>Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)</u>	<u>Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Ground Surface)</u>
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

The provisions of this Subsection 3 apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of this Subsection 3 do not apply where skid roads cross such waters.

- 4. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of standing waters, or below the normal high water mark of stream channels downstream from the point where such channels drain 300 acres or more.
- 5. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels of minor flowing waters except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 4.4, 2 of this Ordinance, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

6. Skid trail and skid road approaches to stream channels shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream.
7. Timber harvesting operations along stream channels downstream from the point where they drain 300 acres or more shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters; and
8. In addition to the foregoing minimum requirements, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.

4.9 Structures

1. The first floor elevation or openings of all buildings shall be elevated at least two feet above the level of the 100 year flood, the flood of record, or, in the absence of these, the flood as defined by soil types identifiable as recent flood plain soils.
2. Piers, docks, floats, ramps, and other structures lying in or projecting into water bodies shall meet the following standards:
 - a. Access from the shore shall be developed so as to reasonably avoid sedimentation of water bodies.
 - b. Their location shall not interfere with developed public beach areas and other public uses and shall not adversely affect fish habitat.
 - c. So far as possible, their location shall be protected from damage by storm and flood.
 - d. They shall be no larger than necessary to serve their purpose and they shall not unreasonably detract from the existing conditions, use, and character of the area.

Article 5. Definitions

5.1 Definitions

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed; terms not defined shall have those meanings provided by the statutes or regulations of the Maine Land Use Regulation Commission.

- Accessory Use or Accessory Structure: "A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure." Title 12, M.R.S.A., Section 682.

- Agricultural Management Activity: Land clearing, tilling, fertilizing, including spreading and disposal of manure and manure sludge, liming, planting, pesticide application, harvesting or cultivating crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.
- Body of Standing Water: A body of surface water that has no perceptible flow and is substantially permanent in nature. Such bodies of water are commonly referred to as man-made or natural lakes or ponds.
- Building: "Any structure having a roof or partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed." Title 12, M.R.S.A., Section 682.
- Campsite: Any area designed for transient occupancy by camping primarily in tents or lean-tos; under this definition, no camp site shall be designed to accommodate more than 30 overnight visitors and permanent structures shall be limited to privies, fireplaces, picnic tables (with or without roofs), lean-tos and water pumps.
- Campground: Any area, other than a campsite, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter.
- Code Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Electrical Inspector, and the like where applicable.
- Compatible Use: A land use which is capable of existing in harmony with other uses or resources situated in its immediate vicinity because that use does not adversely affect such other uses or resources.
- Conditional Use: A use permitted only after review and approval by the Planning Board. A Conditional Use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would be consistent with the purposes of this Ordinance.
- Conditional Use Permit: A permit authorized by the Planning Board for a Conditional Use. A Conditional Use Permit may be issued only after the applicant has followed the procedures of this Ordinance.

- Conforming Use: A use of buildings, structures, or land which conforms with all applicable provisions of this Ordinance.
- Deer Wintering Areas: Areas used by deer during winter for protection from deep snows, cold winds, and low temperatures.
- Development: Any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such specific uses or classes and categories of uses which by the terms of this ~~Chapter~~ ^{Ordinance} do not require a permit.
- District: A specified portion of the municipality delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- Dwelling Unit: A room or group of rooms designed and equipped for use primarily as living quarters, including any home occupations, for one family.
- Family: One or more persons occupying a premise and living as a single housekeeping unit.
- Flowing Water: A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks.
- Forest Management Activities: Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads.
- Land Management Road: A route or tract consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the repeated passage of motorized vehicles and used primarily for agricultural or forest management activities, including association log yards but not including skid trails, skid roads, and winter haul roads.
- Major Body of Standing Water: A standing body of water 10 acres or greater in size.
- Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance and which include reasonable measures to restore the land to its original condition. Such methods shall not include bulk sampling.

- Mineral Extraction: Any extraction, other than for specimens or samples of peat, sand, gravel, topsoil, or other minerals. Such extraction shall include bulk sampling.
- Mineral Soil: Soil material in which inorganic (mineral) constituents predominate.
- Minor Body of Standing Water: A standing body of water less than 10 acres in size.
- Minor Flowing Water: A flowing body of water draining less than 25 square miles.
- Nonconforming Structures: "A structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations." Title 12, M.R.S.A., Section 682.
- Nonconforming Uses: "A use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulations or subsequent amendments made thereto, that does not conform to the district regulations." Title 12, M.R.S.A., Section 682.
- Normal High Water Mark: That line on the shores and banks of waters which is discernable because of the different character of the soil or the vegetation due to the influence of surface water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (aquatic vegetation includes but is not limited to the following plants and plant groups--water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups--upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsapilla, pines, cedars, oaks, ashes, alders, elms, spruces, birches, beeches, larches, and maples.) In places where the shore or bank is of such character that the normal high water mark cannot be easily determined (as in the case of rockslides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined by the above method.
- Normal Maintenance and Repair: Unless otherwise provided, any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change in size or capacity.
- Primitive Recreation: Those types of recreational activities associated with non-motorized travel, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horse back riding, tent and shelter

camping, canoe portaging, cross country skiing, snowshoeing, canoeing, and boating.

- Principal Building: Any building other than one which is used for purposes wholly incidental or accessory to the use of another building on the same premises. All buildings on one land parcel related to agricultural management activities, including without limitation the dwelling(s) of the owner or lessee of land used for agricultural management activities, his employees engaged in such use and members of their families, shall be considered as one principal building. All buildings of one land parcel related to forest management activities, including without limitation the dwelling(s) of the owner or lessee of and used for forest management activities, his employees engaged in such use and members of their immediate families, shall be considered as one principal building.
- Property Line: Any boundary between parcels of land owned or leased by different persons or groups of persons.
- Public Road or Roadway: Any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.
- Roadway: A public or private road including any land management road.
- Service Drop: Any utility line extension which does not cross or run beneath any portion of a body of standing water provided that:
 - a. In the case of electric service:
 - 1. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way, and
 - 2. the total length of the extension is less than 1,000 feet.
 - b. In the case of telephone service:
 - 1. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - 2. the extension, requiring the installation of new utility poles or placed underground, is less than 1,000 feet in length.
- Sign: Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any roadway or other right-of-way. It does not include the flag, pennant, or insignia of any nation, state or town.

Visible shall mean capable of being seen without visual aid by a person of normal visual acuity.

The size of a ground, roof, or projecting sign shall be the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders; the structural supports of a sign are to be excluded in determining the sign area; where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign and so measured; only one face of a double faced sign is included as the area of such sign. The area of a wall or window sign shall be the area of a regular geometric form enclosing a single display surface or display device containing elements organized, related, and composed to form a unity; where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

- Stream Channel: A channel between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.
- Structure: "Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, walls, fences, billboards, signs, piers and floats." Title 12, M.R.S.A., Section 682.
- Subdivision: Defined in Title 30-A MRSA Section 4551.
- Subsurface Sewage Disposal:
 - "A. Any system for the disposal of waste or waste water on or beneath the surface of the earth including, but not limited to: (1) Septic tanks; (2) Drainage fields; (3) Grandfathered cesspools; (4) Holding tanks; or (5) Any other fixture, mechanism or apparatus used for those purposes; but
 - B. Does not include: (1) Any discharge system licensed under Title 38, section 414; (2) Any surface waste water disposal system; or (3) Any municipal or quasi-municipal sewer or waste water treatment system. Title 30-A MRSA Section 4201,5.
- Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery including the creation and use of skid trails, skid roads, and winter haul roads, but not the construction or creation of land management roads.
- Trail: A route or path other than a roadway, and related facilities used primarily for recreational activities which

passes through or occurs in a natural environment and involves the disturbance of any land's surface in its construction or use. Related facilities may include but not be limited to subsidiary paths, springs, campsites, view points, and unusual or exemplary natural features in the immediate proximity of the trail which are commonly used or enjoyed by the users of the trail.

- Utility Facility: Structures normally associated with public utilities, including without limitation: radar, radio, television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipelines or above ground storage tanks.
- Water Impoundment: Any body of water created, or elevation of which is raised, by man through the construction of a dam.
- Wildlife: All vertebrate species, except fish.
- Wildlife Management Practices: Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, impounding water, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species.

Article 6. Administration and Enforcement

6.1 Enforcement

This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Assessors.

6.2 Permits Required

1. No activity shall occur that requires a permit unless a permit for such action has been issued by the Code Enforcement Officer but no permit shall be required for normal maintenance or repairs.
2. No building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless a permit for such facilities has been secured from the local plumbing inspector by the applicant or authorized agent, according to the requirements of this Ordinance and the State Subsurface Waste Water Disposal Rules of the State Plumbing Code.

6.3 Applications

1. All applications for permits shall be submitted in writing to the Code Enforcement Officer. Within one week of receiving a completed application, the Code Enforcement Officer shall approve the application if he/she finds that it complies with all the relevant ordinance requirements or deny it, except that, where the application is for a conditional use, he or she shall refer it to the Planning Board; and if the Planning Board shall approve it, he or she shall issue a permit within seven days of such approval.
2. Each application to the Code Enforcement Officer for a permit to erect a new building or structure, or to enlarge or move an existing one, shall be accompanied by a site plan showing the measurements of the lot and of all buildings, setbacks, disposal fields, and parking spaces, existing and proposed. The intended use or uses of the land and building shall be indicated clearly. The Code Enforcement Officer may request additional information which, in his or her opinion, is necessary for a better understanding of the case.

6.4 Board of Appeals

1. A Board of Appeals is hereby established pursuant to Title 30-A MRSA Section 2691. The Board shall consist of three members, serving staggered terms of three years.
2. The Board of Appeals shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the Code Enforcement Officer or a decision of the Planning Board on a conditional use permit.
 - a. To determine whether an action or failure to act by the Code Enforcement Officer or the Planning Board is in conformity with the provisions of this Ordinance and to interpret the meaning of the Ordinance in cases of uncertainty.
 - b. To grant variances where the Board finds that strict compliance with the Ordinance would cause undue hardship or extraordinary difficulties because of exceptional conditions of topography, access, location, shape, size, or other physical features of the site; that the proposed use and/or development is in keeping with the purposes of this ordinance (Section 1.2); and the health, safety, and general welfare is protected. In determining whether an undue hardship exists, the following criteria shall be used:
 - (1) That the land in question cannot yield a reasonable return unless a variance is granted;
 - (2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(3) That the granting of a variance will not alter the essential character of the locality; and

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

A variance shall not be granted to permit a use or structure prohibited in the district. The Department of Environmental Protection shall be notified of any variance granted within 250 feet of Wyman, Smith, Mayfield, and Palin Ponds.

c. To hear any other appeal from action or failure to act of any officer charged with the enforcement of this Ordinance.

3. Any person aggrieved by an action, or a failure to act, by the Code Enforcement Officer or the Planning Board on a conditional use permit may appeal to the Board of Appeals. Within 30 days of the date of the decision by the Code Enforcement Officer or Planning Board, or within 60 days of the date of application, if no action has been taken by the Code Enforcement Officer or Planning Board, the appellant shall file an appeal at the office of the town clerk setting forth the grounds of his appeal. Upon receiving the appeal, the town clerk shall notify forthwith the Chairman of the Board of Appeals, the Code Enforcement Officer, the Chairman of the Planning Board, and the Assessors and shall set the date for a public hearing; notice of which shall be posted in the same manner as the warrant for town meetings, which shall follow by at least seven days and not more than 40 days the posting of the notice of the appeal. An aggrieved party may appeal from the decision of the Board of Appeals to the Superior Court of Maine.

6.5 Hearings

1. Public hearing shall be held by the Board of Appeals on each appeal.
2. Due notice of the hearings shall be published in accordance with the laws of the State of Maine. The town clerk shall notify by mail, the owners of properties lying within 500 feet of the property for which the appeal or application is being made. Expense of notice shall be born by the appellant. The owners of properties shall be considered to be those persons against whom taxes are assessed.
3. The Code Enforcement Officer, unless prevented by illness or other good cause, shall attend all hearings and shall present to the appropriate Board all plans, photographs or other materials which are appropriate to an understanding of the case.
4. The Planning Board, Code Enforcement Officer, and Municipal Officers shall be a party to the hearing.

5. Hearings shall be conducted in accordance with the procedure set forth in Title 30-A MRSA Section 2691.

6.6 Fee

No building permit fee shall be required.

6.7 Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

6.8 Legal Action and Violations

When any violation of any provision of this Ordinance shall be found to exist, the Town Attorney shall, on authorization of the Assessors, or District Attorney if action is applicable to that officer, institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

6.9 Fines

Any person, firm, or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this Ordinance, shall be guilty of a civil offense and on conviction shall be fined not less than \$100 nor more than \$2,500. Each day such a violation is permitted to exist after notification shall constitute a separate offense.

6.10 Public Records

The decisions of the Code Enforcement Officer, and the minutes and decisions of the Planning Board and the Board of Appeals are matters of public record, and shall be filed with the town clerk for keeping with other town records. Each denial of an application or an appeal shall be accompanied by an explanation of the reasons for the denial and by reference to the applicable provisions of this Ordinance.

6.11 Expiration of Permits

A permit secured under the provisions of this Ordinance shall expire if the work or use is not commenced within one year of the date on which the permit is granted.