

**Fayette Joint Land Use Committee**  
**Meeting #10 · February 12, 2024 · 6:00 PM**  
**Fayette Central School or Zoom [February 12, 2024 - 6pm](#)**  
Meeting ID: 813 1235 4883 · Passcode: 467263

**AGENDA**

- 6:00 Welcome and Review of Agenda (Mary Ann)
- 6:03 Follow-up from January 29
- Review and Approve Draft Notes
  - Road Category Name Poll Results – Jess
  - Need to revisit 3<sup>rd</sup> dwelling unit on a lot with 1 existing dwelling re LD 2003 - May limit each lot to 2 residential structures (1 of the 3 units must be attached or within) without subdivision review. Recommend we do that. Still send to PB but allow if 2 structures total, density requirement met after 2<sup>nd</sup> unit (one could be an ADU that does not count), cannot separate for sale unless mobile home. So could be 3 units on 1.5 acres in Village and 3 acres in Rural but limited to 2 detached structures.
- 6:20 Clearing on Steep Slopes – Joe S.
- See proposed language
- 6:30 Land Use Districts
- Proposed Expansion of Village District – see map
  - Age-Friendly District (floating, would be assigned based on development proposal responsive to town desire for housing for older adults)
  - Bring back some version of “Town Center” District from Sanderson Corner to Starling Hall – developable land that might connect with any of 3 town facilities
  - Steep Slope Overlay District?
  - Recommended changes to Land Use Plan in Comp Plan to agree
- 7:10 Mobile Home Parks
- Proposed standards allowed by law
    - May we apply net residential density approach? (Mary Denison question)
    - Requiring paved roads – suggest leave to PB discretion
    - Other
  - Locations: Suggest limiting to Village District accessed from public maintained road
- 7:20 Subdivision Recreational Access Standards – Misty
- See proposed language
  - How far can we go? (Mary Denison question)
- 7:40 Updated Land Use Table (see edited draft)
- Fit everything in one if we pare down Chp 100 list (remove all YES in all districts)?
  - Junkyards & auto graveyards now not allowed anywhere but we have standards in Section 26. State law requires Selectboard permit. Can we prohibit townwide? (Mary Denison question)
  - Allow rear lots in shoreland zone? Not prohibited in Chp 100 (no road frontage requirement there)
  - Other?

- 7:50 Report from February 6 Selectboard Meeting and Mark Discussion
- Short-Term Rental Ordinance Feedback – Belinda
  - JLUC Charge now includes recommended Comp Plan Updates
  - Mass Gathering Ordinance
  - Implications for Public Hearing and Voting Schedules
    - Land Use Ordinance and Comp Plan only March 11
    - Short-term Rental Ordinance Hearing March 18 (Planning Board night)
    - Mass Gathering Ordinance – Selectboard Meeting of March 19?
  - Secret Ballot v Floor of Town Meeting for LU Ordinance?
    - Wording/order of Comp Plan Amendment & LU Ordinance Amend (Mary Denison question)
- 8:10 Housing Opportunity Grant Opportunity (\$10-\$50k, \$0 match, July-June) – Deadline March 7
- Laptop, tablet, administrative software for user & staff friendly permit application & record-keeping system and tracking short term rentals (with ability to gather and monitor housing type/use data)
  - Could apply to update Comp Plan or more ordinance work related to housing – Visual Resource Inventory with implications for screening new housing developments?
  - Feasibility study for Age Friendly Housing Development? Would need to determine focus/expertise needed.
  - Training for Planning Board for supporting high density developments without sewer and water? Research on multi-family wastewater systems?
  - Volunteers to help prepare?
- 8:20 Schedule Forward
- February 13-23:
- send legal questions & ordinance drafts to Mary Denison for Legal Review
  - prepare 2<sup>nd</sup> Summary of Proposals for public hearings (separate 3 ordinances)
  - send required notices to landowners – RP around new IF&W wetlands
  - being proofreading (continue through March & maybe April?)
- February 26 (reschedule?):** Review legal comments; make necessary adjustments, finalize hearing plan (**Need chair: Mary Ann away Feb 21 – Mar 6**)
- March 11: LU Ord & Comp Plan Public Hearing - Take comments, make decisions if time
- March 12: Storm date and spillover date to complete recommendations, confirm article questions
- March 18: Short-term Rental Hearing, PB meeting (possible meeting time)
- March 19: Selectboard Mass Gathering Ordinance Public Hearing & confirm final steps (all 3)
- March 25: Final meeting to complete recommendations (unless we have until Town Meeting for LU Ordinance)
- March 29: Deliver final package to Selectboard for ballot questions
- April 2: Selectboard finalizes ballot questions – sets public hearing?
- April 8: Public info packet for Short-term rental and Mass Gathering Ordinances; continue LU Ordinance proofing
- April 22: EARTH DAY! Finalize Comp Plan Amendments, LU Ordinance and Public Info Summary
- 8:30 Adjourn

Fayette Joint Land Use Committee  
Meeting #9 – January 29, 2024 – Notes (Draft)  
***Decisions and commitments in Bold Italic***

Members Attending: Lacy Badeau, Belinda Bothwick, Mary Ann Hayes, Andy Lilienthal, Joe Longtin, Joe Stevenson  
Advisors Attending: Don Dostie, Brent St. Clair  
Staff Attending: Jessica Leighton

**Welcome and Review of Agenda**

The meeting began at 6PM and ***it was agreed to proceed with the published agenda.***

**Follow-Up from Jan 22 Meeting**

**Meeting Notes:** *The notes from January 22 were approved with the addition of adding to the third paragraph under Short-Term Rental Ordinance as follows: “apply to others. Belinda reminded the group that excessive noise generated by short-term tenants was one of the top concerns expressed both in the survey and at the open house so needs to be addressed. The 30-minute....”.*

**New Name for Rural Growth District:** *The group agreed to rename this as the “Village District.”*

**Measuring 1000 sf ADU Size:** *It was agreed that ‘gross floor area’ would be the easiest way to measure either internal or external units, noting that some may be two stories. We will add a note that the CEO will be authorized to utilize discretion for unusual layouts containing excessive amounts of non-living space within the gross floor area.”*

**Mt Vernon Interest in Collaboration**

In the pursuit of finding Mt Vernon’s steep slope map, Mary Ann was introduced to leaders of the Mt Vernon Ordinance Review Committee, a standing committee also working on updating the town’s land use ordinance. They would be interested in collaborating with us, especially with regard to how we are approaching lake protection and short-term rentals. I promised to share our draft STR ordinance when ready. Mary Ann asked who might be interested in such a meeting. ***Brent and Belinda expressed interest. Mary Ann indicated she thought Maggie would be a good addition. Lacy said to be sure to include Mark and of course Jess is in the loop. The meeting will be scheduled around when the most interested can be available and others can then be notified to join if they wish.*** We do not know how soon this might happen; we are not pushing to meet before this year’s ordinance revisions are completed.

**Event Venues and Mass Gatherings**

**Event Venue Site Plan Review Permit:** Following substantial discussion, ***the group agreed to recommend the proposal within the agenda with two adjustments:***

- 1) There will be no outright prohibition of BYOB; the Planning Board will listen to the management plan presented and approve permits if they are satisfied that sufficient measures are in place to mitigate this risk.***
- 2) The noise standard will be adjusted to indicate that only background levels (45dbA default unless they submit data that the background is higher like the rest of site plan review applications) shall be audible at the property boundary by 10PM (all days of week), rather than focusing on regulating amplified sound.***

***Summer camps will be expected to notify the town office of all rentals, even small numbers. The purposes are for public safety information (how many are in the facility in case of an emergency), having the correct point of contact and being fair to the other commercial event venues who will be***

***expected to post their events or otherwise inform the town and neighbors. It is not because there is a concern about the nature or size of the rental group.***

**Temporary Event Permits:**

Mary Ann credited Renee Keen for contributing heavily as an experienced event security staff professional and shared that Mary Denison felt this ordinance would best be separate and that the Selectboard (or designee) would be the best permitting authority. ***Following discussion of the tiered proposal, with attention to public vs private-by-invitation-only limits, the group agreed to recommend this route (with the proposal as presented) to the Selectboard. It was suggested that to avoid confusion, it may be better to separate this issue from the Land Use Ordinance schedule, perhaps putting it on the floor of town meeting rather than secret ballot with a separate public hearing hosted by the Selectboard.***

**Density Guidelines:**

Mary Ann and Jess explained how the current subdivision ordinance requires that density (actually cites minimum lot sizes) be calculated after non-buildable land is removed from the total land area. Jess presented a proposal to subdivide a 3-acre lot in the Village Area as an example of how ½ acre of undevelopable land would reduce allowed density from 6 to 5 units.

***Following discussion, the following was decided:***

- 1) A request to place a third dwelling unit on a single lot (regardless of time period or family ownership) will be reviewed as a subdivision, noting that the Planning Board can then waive any excessive submission requirements.***
- 2) Base density will be ½ the minimum lot size per unit after the 2<sup>nd</sup> unit in each district, so ½ acre/unit in the Village District and 1 acre/unit in the Rural District.***
- 3) Campgrounds of 2-4 sites commercially advertised for rent will be treated as lodging with appropriate conditions (sanitation, water, parking, trash).***
- 4) Applications for overnight accommodations to be offered for short-term rental beyond the first per lot will be treated as a lodging establishment under site plan review, regardless of whether the units are dwelling units or just bedrooms/baths.***
- 5) The town will NOT offer an Affordable Housing Bonus outside the Village District, where it is required.***
- 6) Applicants will be encouraged and the planning board will be authorized to approve creative subdivision designs that cluster housing units on smaller lots or as apartments/condominiums on common land in alignment with natural elements and shared amenities as long as the maximum net density is achieved.***
- 7) The group was reminded that while a subdivider could prevent ADUs by deed restriction, that town regulations could not. Therefore, the town should anticipate that an ADU might be placed in each lot where a single-family home is located.***

**Driveway and Road Standards, Private Roads**

***The proposed definitions were approved as presented except that a driveway will serve up to 4 units on 2 or fewer lots and be permitted by the CEO in consultation with the Road Commissioner. We will remove the existing 500 foot length threshold that bumps the review authority to the Planning Board. The revised road categories and service descriptions were approved except for settling on a name for roads providing access for 2-4 lots. All roads will be approved by the Planning Board.***

***To give people time to think without a clock ticking, Jess will send out a google form survey with options for that name.*** It was noted that “private way” may not be sufficiently distinct as all roads may be private and new roads almost certainly will stay that way (as having the town vote to accept a new road that it will have to maintain is unlikely regardless of how well it is built.)

***It was agreed that new logging, farm, ATV and snowmobile trails that intersect with town roads will need an access permit from the Road Commissioner or designee, which is now sometimes done voluntarily.***

***With Mary Denison's blessing, we will add a provision requiring that the owner of any driveway or road that causes damage to the town road system such as ice flows or erosion to promptly repair the problem or the town will step in and bill them for the work.***

On Route 17 and Chesterville Ridge Road, MaineDOT permits driveways and entrances and has a permit by rule system for farm and logging roads. ***There will be no further town permit needed unless a road, subdivision or site plan review permit application.***

Road Frontage Requirements: There was discussion of the trade-off with making lots smaller and roads shorter in the Village District and having neighbors close together, which is often when more conflicts are created. ***It was decided to keep 200 feet in the Rural Area and on Route 17, keep 150 in the SZ, and reduce the Village District minimum frontage to 150 feet.***

Requiring 2<sup>nd</sup> Egress: There were differences of opinion as to whether or when a 2<sup>nd</sup> egress should be required for a new road. Following a substantial conversation about how Shore Road came about and whether such a long road presented an undue risk for emergency evacuation, ***it was agreed that there would be a guideline to require a second egress when any of the following thresholds were met:***

- 1) 20 lots served***
- 2) 30 dwellings served (assuming up to 2 possible per lot unless deeds prevent ADUs)***
- 3) 2000' or greater road length.***

***The Fire Chief will be asked for a recommendation if the applicant or Planning Board believes the requirement is unnecessary for reasonable public safety and/or will cause environmental degradation in excess of the public safety benefit. The Planning Board will weigh the relative benefits and risks, and make a determination based upon the individual facts and circumstances.***

#### **Other Subdivision Standards Needing Review:**

General Lot Requirements: ***Refer to dimensional standards table for 1-2 unit lots and add density requirement described above. Add 5:1 maximum depth:width ratio in the land use dimensional standards table for all new lots, noting this may require some flag-shaped lots to unify back sections of lots that are created through subdivision.*** This would be eligible for petitioning for a practical difficulty variance if there was something unique about the property making this unwise.

Ground Water: ***It was agreed to keep the standards and refer to the USGS sand and gravel aquifer maps (must get exact citation) for where it applies.*** Mary Denison suggested this approach,

Recreational Access Standards: ***Mary Ann reported that Misty Beck had volunteered to look this list over and provide revisions by the February 12 meeting. Brent shared that a recreational fund will be discussed by the Budget Committee. He will share the proposed name to insert in the ordinance, which will have to be finished before the town votes to create such a fund.***

Mobile Home Parks: ***Mary Ann will distribute the Readfield requirements for consideration at the February 12 meeting, when Land Use District boundaries will also be reviewed. The Town could require MH parks or those over a certain size to locate in the Village District, be accessed from Route 17, or other reasonable limitation.***

**Clearing Limitation on Steep Slopes:**

Joe S. reported that we were encouraged by the Forest Service to focus on limiting clearing for developed uses, rather than regulating timber harvesting. While such a standard would be allowed in timber harvesting as it does not conflict with a state standard, we have to notify every landowner that might be impacted at least 14 days before the public hearing. Joe noted that if a logger did do a mini-clearcut (under 5 acres) for timber harvesting, the trees would eventually grow back, which will not happen if the cut is to maintain a totally open view. Jess asked if someone did a mini-clearcut as a timber harvest on a steep slope, and then came in 6 months later for a building permit, would she be able to require replanting. ***Joe confirmed that the Forest Service rules in the Shoreland Zone have a lookback of 5 years before there can be a change of use; the group agreed this was desirable for Fayette, requiring replanting if a mini-clearcut timber harvest became clearing for development that violated whatever standard we set within 5 years.***

***Joe suggested we look at the LUPC hillside regulations, which limit interruption of viewpoints. It was agreed to review them at the February 12 meeting.***

**Schedule Forward:**

Mary Ann reviewed the proposed schedule to complete the work by the end of March. Mary Denison had confirmed that the final ordinance and map will need to be posted 60 days ahead of June 11 (so circa April 11). ***Lacy agreed that the committee should be on the March 19 Selectboard meeting to confirm expectations for the final delivery, currently scheduled for March 29.***

Mary Ann, Belinda and Joe S may all be unavailable on . ***The Feb 26 meeting may need to be rescheduled and will be decided on Feb 12.***

***Members agreed to hold both March 11 and 12 for the hearing and follow-up discussion/decisions. If another meeting is needed before March 25, it will be determined then. Ideally policy decisions will be finalized on March 12 and the remainder of the time is devoted to drafting and proofreading.***

**Public Information and Hearing Preparation:**

***A draft summary will need to be prepared for the public hearing and can be improved upon in April once the final ordinance is completed. Both Brent and Belinda emphasized the importance of explaining the rationale behind the proposals, perhaps mentioning the pros and cons that were weighed. All agreed. The format of the hearing will have to be determined. It was noted that people often expect a presentation so we likely need to create one.*** Lacy warned that the Selectboard often does not think in unanimity and to be prepared for dissenting views at the hearing. ***All acknowledged this was to be expected and welcomed.*** Mary Ann expressed the hope that townspeople will recognize that the Committee takes input seriously and has changed proposals based upon feedback received via the survey and open house. It is possible to hold some outstanding questions open for the public hearing and solicit input on the direction the town should take.

**Adjournment:**

***The meeting adjourned at 8:45 PM.***

## Proposed Steep Slope Ordinance

JFS 2/10/2024

**Steep slope defined:** a contiguous area of slope at or exceeding 20% sustained for 2 acres or more (see steep slope overlay district).

**Ordinance goal:** To prevent erosion, protect water quality, and balance the needs and rights of landowners to develop property with maintaining the town's rural character and natural viewsheds.

### **1. Building Placement and Design Standards.**

- a. Any proposed development or related activities within the steep slope district must be designed to ensure buildings, structures, and other improvements will not otherwise alter the ridge profile significantly when viewed from existing roadways, major water bodies, permanent trails, or public property. Essential services, including permitted communication towers, will be designed to minimize their interruption of the ridge profile.
- b. The design of proposed development or related activities shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways, major water bodies; permanent trails; or public property.

### **2. Vegetative Clearing Standards.**

The proposal must include a vegetation management plan that establishes and provides for long-term maintenance of cleared areas that will both prevent erosion and minimize potential impacts to views from existing roadways, major water bodies, permanent trails, and public property. The vegetation management plan must ensure:

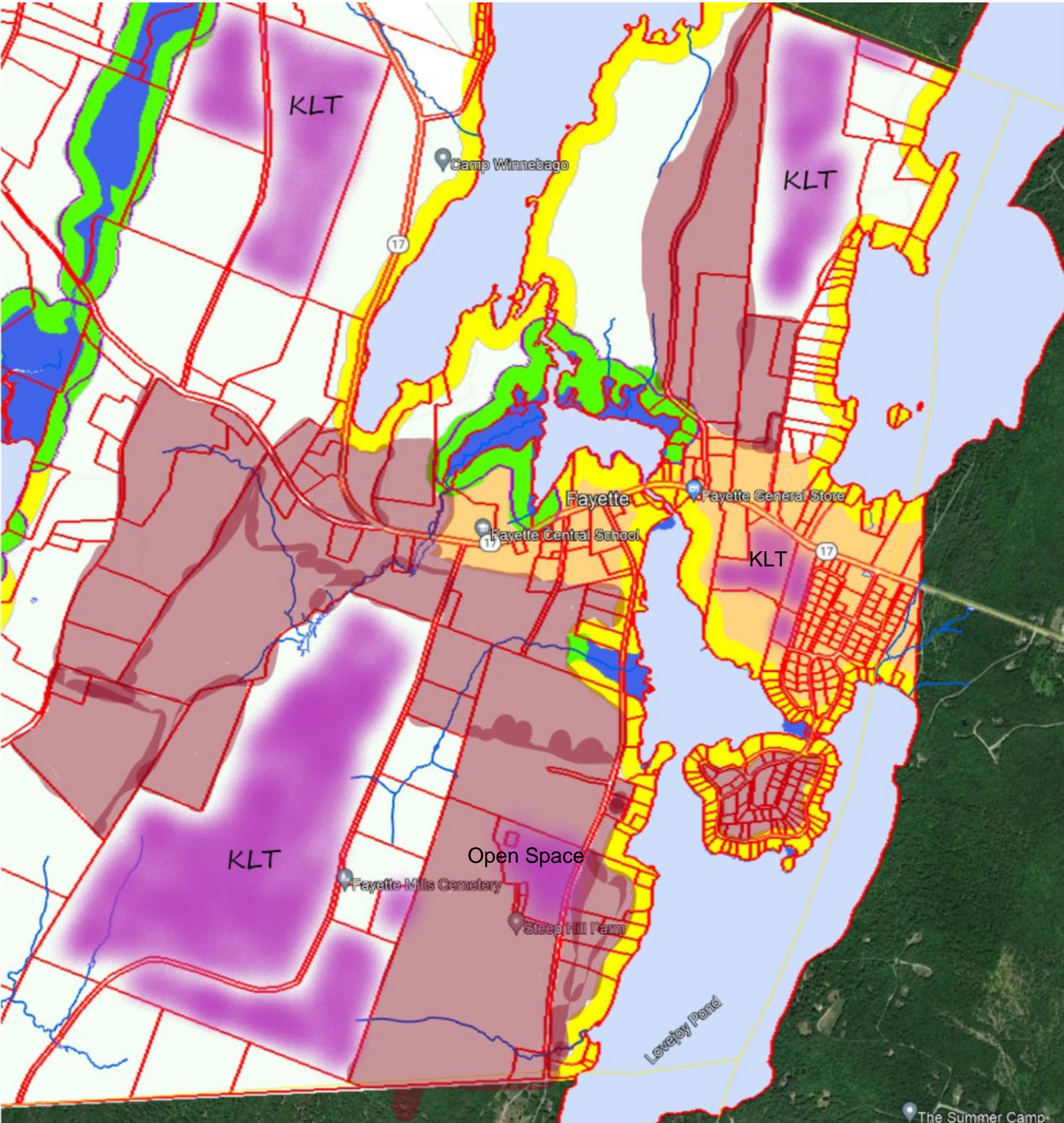
- a. There will be a sufficient area of clearing allowed around buildings to maintain the minimum extent needed for defensible space for fire safety, generally 30 feet in width;
- b. There will be sufficient vegetation maintained on steep slopes to protect long-term slope stability;
- c. Existing forest cover will be maintained to interrupt the view of the façade of buildings, provide a forested backdrop to buildings, and reduce or eliminate the visual impact of new development;
- d. Clearing for views will be limited, with narrow view openings between trees and beneath tree canopies being a desirable alternative to clearing large openings adjacent to building facades.
- e. The Town of Fayette may require up to a 5 (five) year maintenance plan to ensure vegetation standards/retention/vegetation viability of this ordinance are met.



**Proposed Village District Expansion (brown shading)**

Tan = Existing District

Magenta = Enrolled in Open Space Tax Program; Blue = Wetland; Yellow & Green = Shoreland Zone





SECTION 4.3 — DISTRICT PURPOSES LAND USE DISTRICTS

The Town is hereby divided into the following six districts: a Rural District, a Village District and four Shoreland Zoning Districts as described below and depicted on the official Land Use Map. In addition, an Age-Friendly District may be designated and approved in the future for appropriate developments meeting specific criteria.

- A. **Rural District.** The Rural District covers most land within the Town of Fayette. It provides for agriculture, forestry, low density residential and recreational development, and some commercial activities, consistent with the rural open space qualities predominant in the Town. The Rural District only includes land outside the Shoreland Zone.
- B. **Village District.** The Village District covers the eastern gateway area along Route 17 and adjoining roads from the Readfield town line to the southern boundary of Echo Lake. This densely settled area was historically known as Fayette Mills and includes the Fayette Central School, Underwood Library and Fayette General Store. Route 17 curves around water bodies and the speed limit is lower to support relatively high traffic turning movements, pedestrian travel and short-term roadside parking. The Village District provides for higher density residential development and commercial activities and only includes land outside the Shoreland Zone.
- C. **Shoreland Zoning Districts:** One of the four Shoreland Zoning Districts covers the following land areas: within 250 feet, horizontal distance, of the normal high-water line of any great pond or river, or the upland edge of a freshwater wetland, and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

**1. Resource Protection District.** The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the Shore/and Zone, exclusive of the Stream Protection District. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

~~e.a.~~ Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are:

~~1.1)~~ rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by ~~either the MDIF&W; or the Department as of May 1, 2006;~~

~~2.2)~~ rated "moderate" or "high" value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife that are depicted on a Geographic Information System (GIS) data layer maintained by ~~either the MDIF&W or the Department as of May 1, 2006;~~ or

~~3.3)~~ habitat for species appearing on the official State or Federal lists of endangered or threatened species.

~~d.~~ Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

~~e.c.~~ Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

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

~~g.e.~~ Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement.

**4.2. Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the Shoreland District associated with that water body or wetland.

**5.3. Wetland Protection District.** The Wetland Protection District includes areas within 250 feet of the upland edge of ~~designated-freshwater~~ wetlands that are neither associated with great ponds or rivers nor meeting the criteria for the Resource Protection District. It provides for ~~some~~ low-density residential and recreational development while protecting water quality, natural habitat and scenic values. ~~This district does not include any forested wetland districts.~~

**6.4. Shoreland-Lakefront District.** The ~~Shoreland Protection~~Lakefront -District includes areas within 250 feet of great ponds, rivers and freshwater wetlands not included within the Wetland Protection District or Resource Protection District. It provides for limited seasonal and year-round residential and recreational development, consistent with preservation of water quality. Given the longstanding popularity of lakeside development, this district includes a large number of densely settled non-conforming lots created prior to the Shoreland Zoning Act. Requirements for this District are found in the Mandatory Shoreland Zoning Act, Title 38, MRSA Section 435, Section 438 et seq.

~~**A. Rural District.** The Rural District covers most land within the Town of Fayette. It provides for agriculture, forestry, low density residential and recreational development, and some commercial activities, consistent with the rural open space qualities predominant in the Town. The Rural District only includes land outside the Shoreland Zone.~~

~~**Rural Growth District.** The Rural Growth District covers those areas of town specifically designated for development. It provides for higher density residential development and commercial activities. The Rural Growth District only includes land outside the Shoreland Zone.~~

~~7.~~ **D. Age-Friendly District.** The Age-Friendly District is a floating district that will offer higher density residential community living arrangements to qualifying development proposals designed to meet the needs of older adults in an appropriate location. The District may include a mix of appropriate small commercial, institutional and residential land uses. A development requesting such a District designation must be approved by the Planning Board, which would forward the recommendation with the proposed District location and conditions to the Selectboard to be placed on a warrant or ballot for townwide vote before it will appear on the official Land Use Map. Future land uses within an Age-Friendly District may be limited to those directly supporting its central purpose.

## **Fayette Mobile Home Park Standards – DRAFT of 2/10/24**

### **A. Mobile Home Park Review**

All mobile home parks shall be considered a subdivision and shall conform to all standards applicable to a subdivision except for those specific standards contained in this section.

### **B. Limitation on Units**

No dwelling unit other than a mobile home shall be located within the park. All newly manufactured units, whether owned by the park owner or tenants, must provide proof of sales tax payment before being placed on lots as required in Title 30-A, Section 4358, Subsection 4.

### **C. Modifications**

A mobile home park shall not be converted into another use or be expanded without Planning Board approval. Mobile home parks shall not be converted into a manufactured housing or conventional subdivision on individually owned lots unless all the applicable ordinance standards are met.

### **D. Unified Ownership**

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

### **E. Minimum Design and Performance Standards**

#### **1. Lot Size, Width, and Density**

Lots in a mobile home park shall meet the following lot size, width, and density requirements:

- a. Lots served by individual subsurface sewage disposal system.  
Minimum lot area - 20,000 square feet  
Minimum lot width - 100 feet Minimum lot frontage - 100 feet
- b. Lots served by a central subsurface wastewater disposal system.  
Minimum lot area - 12,000 square feet  
Minimum lot width - 75 feet Minimum lot frontage - 75 feet
- c. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area.

d. Lots shall be measured in a straight line between the intersection of the side lot lines and the front lot line. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the front of the mobile home.

e. The overall area of the mobile home park shall be the combined area of its mobile home lots plus: *Question: Can we require net residential density like in other subdivisions?*

- (1) the area required for road rights-of-way;
- (2) the area required for buffer strips, if any; and
- (3) the area within the municipality's shoreland setback.

## 2. Lot Setbacks

a. The following lot setbacks shall apply to all mobile homes and accessory buildings:

Front setback: 20 feet on internal private park roads, 50 feet on public roads

Side setback: 20 feet

Rear setback: 10 feet

b. A minimum 20 foot separation shall be maintained between all mobile homes in all directions.

c. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 20 feet is maintained between the units for the purpose of providing more usable yard space on one side of the home and for fire protection.

d. So as to avoid monotony and sameness, the Planning Board may allow the front yard setback on a private road within a mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way and the average distance is at least 20 feet for all units.

## 3. Lot Coverage

All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area. *Note: this is in Readfield ordinance. Might this thwart a clustered design offering higher quality open space/ Should check with Mary Denison if we can set this standard at all.*

#### 4. Buffer Strips

A 50 foot wide buffer strip shall be provided along all property boundaries that:

- (1) Abut residential land which has gross density of less than half of that proposed in the park, or
- (2) Abut residential land that is zoned at a density of less than half of that proposed in the park. Further, no structures, streets or utilities shall be placed in the buffer strip except that they may cross a buffer to provide services to the park.
- (3) Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from the adjacent property and shall be maintained throughout the life of the project.

#### 5. Fire Protection

Each lot shall be legibly marked for identification with E-911 address assigned by the Fayette Addressing Officer and easily accessible to emergency vehicles, permitting fire apparatus to approach within 100 feet.

#### 6. Park Administration

The owner or operator of a mobile home park shall be licensed with the Manufactured Housing Board and responsible for ensuring the maintenance of all structures and their sites. Park management shall conform to state laws. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state and federal codes and regulations. As a condition of approval, the owner or operator will be required to file a copy of its license as it is renewed with the Code Enforcement Officer. Any notices of violation, together with follow-up action by the owner or the Board, shall be provided promptly with the Code Enforcement Officer no later than five business days following receipt.

#### 7. Parking Requirements

- a. For each mobile home lot there shall be provided and maintained at least 2 off- street parking spaces.
- b. Each parking space shall contain a minimum of 200 square feet with minimum dimensions of 10 by 20 feet. This requirement may be waived if a parking lane is provided.



8. Refuse Disposal

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

9. Road Standards

a. Road Design Standards

(1) Private Roads. Privately owned roads within the mobile home park shall be designed by a professional engineer, registered in the State of Maine, and shall be built according to accepted engineering standards.

(2) Roads for Public Acceptance. Roads within mobile home parks which are to be offered for acceptance by the Town shall conform to the requirements of those road standards in this Ordinance.

(3) Intersection with Public Roads. The engineer shall design the intersection(s) with public roads to meet the road access requirements of this Ordinance as certified by the Road Commissioner or designee.

b. Access and Circulation

(1) Mobile home parks must be accessed via a maintained public road within the Village District.

(2) No mobile home lot may have vehicular access directly onto the public access road.

(3) The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the location and way, shall be approved by the Planning Board.

(4) A traffic impact analysis shall be required if the park will generate more than 500 trips/day.

(5) For mobile home parks expected to generate 200 trips per day or more, there shall be at least two entrances from maintained public roads.

(6) Curvilinear streets shall be utilized wherever possible. No street within the park shall be more than 200 feet without a curve or bend.

d. Right-of-way and Pavement Width

- (1) Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
- (2) One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
- (3) Parking lanes shall be a minimum of 8 feet in width, if provided.
- (4) Cul-de-sac turnarounds (option for private roads only) shall have a minimum radius of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
- (5) The Planning Board may waive the paving requirement upon finding that a non-paved road will serve the park residents with equivalent quality of access, deliver less runoff and provide a neighborhood character more in keeping with a rural town. **OR** trade paving for more open space or recreational amenities?

e. Water Supply

An adequate and potable supply of water with a minimum of 30 pounds per square inch of pressure at all times shall be provided for each mobile home lot. The water source shall be capable of producing 300 gallons of potable water per mobile home lot per day.

Community water systems shall be approved as regulated by the Manufactured Housing Board and/or Division of Health Engineering at the Maine Center for Disease Control and Prevention. The results of annual testing requirements will be provided to the Code Enforcement Officer, together with any necessary required treatments for contaminants.

f. Storage

At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided near each mobile home lot for the storage of materials and equipment.

g. Records

Each permittee shall keep a written record, subject to inspection at any reasonable time by a duly authorized officer of the Town of Fayette, which shall contain the date of arrival, the name, make, year, model, serial number and length of each mobile home, as well as owner information. A complete list of the above shall be furnished to the Assessor's Office no later than April 1 of each year.

**P. Recreational Access Standards**

1. Outdoor recreational access is an important feature of Fayette’s rural heritage and all subdivision proposals consisting of ~~more than 4 lots~~ shall provide for the continued enhancement and development of a variety of outdoor recreation opportunities. Since new subdivisions and the associated housing and other development they foster can compete with existing open space, scenic and other attributes of rural communities, it shall be the responsibility of each new subdivision to provide for outdoor recreation. A recreation plan designed to serve the subdivision residents shall be developed according to the requirements listed below.

**Commented [1]:** I have heard this phrase mentioned a lot. If the minimum (5 lots) are each 2 acres, than we are talking about setting aside 1 acre, under option 2a below (among other choices). That seems reasonable to me.

2. Since subdivision proposals vary in size, density, design and location, a variety of options shall be offered for the development of the recreation plan. **The subdivision proposal shall be deemed to meet the requirement for providing recreation if it conforms to one of the following :**

- a. A minimum of 10% of the land within the subdivision is dedicated for open space. Suitable easements and/or deed restrictions shall be proposed to preserve the land from development The land shall not include areas described in Section 8, sub-section B.l.b.25
- b. A parcel of land consisting of at least ~~2-1 acres~~ and having a minimum of 200 feet of shore ~~frontage~~ on a great pond is dedicated for recreation. The parcel shall be suitable for at least one of the following: boat access or swimming. Trails, rights-of-way or other similar easements shall be provided so that residents can access the parcel.
- c. A multi-purpose trail system which can be reasonably accessed by each proposed subdivision lot is constructed. The trail should be designed to accommodate walkers, cross-country skiing and snowmobiles. Whenever possible the trail should provide a link to existing trails and snowmobile routes.

**Commented [MAH2]:** 200 ft frontage required in SZ

~~d. An active recreation area consisting of at least two of the following:~~  
~~Playground for small children~~  
~~Baseball field~~ ~~Tennis court ( minimum of 2 courts)~~  
~~Basketball court ( full size court)~~  
~~Multi-purpose field~~  
An area dedicated to active recreation, accessible to residents, shall be provided. At least one active recreational use must be identified and included. Examples of active recreation include, but are not limited, to a children’s playground, a sports field or courts, or a multi-purpose field. These usages must not conflict with other ordinance standards.(e.g. lighting, impervious surface coverage limits).

~~e.d.~~ Combination of recreational options. The applicant may propose to offer a combination of recreational sites consisting of a portion of some of the options listed above. The Planning Board shall review this combination option to ensure that the intent of these section is met.

*Example:*  
*An applicant may propose to construct a playground and dedicate 5 % of land for passive recreation.*

~~f.e.~~ A payment into the Town of Fayette Recreational Development Fund to be used exclusively for the purchase or development of new or existing parks, playgrounds and other recreational facilities. The amount of such payment shall

be \$500.00 for each lot approved on the final plan. ( This option is subject to the creation of the recreational Development Fund by the Town of Fayette.)

- 3. Land for the recreational sites may be offered to the Town for public acceptance or may be owned in common by the subdivision lot owners. The applicant may also propose to dedicate the recreation areas to a third party that is incorporated for the purpose of maintaining land for conservation and preservation use. All land proposed for recreation purposes shall be protected by a suitable deed restriction that prohibits development and preserves the land for future inhabitants. All recreational areas to be owned in common shall include a maintenance plan and mandatory association agreement in each of the subdivision lot deeds. The Planning Board shall review all proposed ownership arrangements to ensure that the long-term maintenance and preservation of the recreational sites is provided.

**Commented [3]:** I would support removing this option. If someone is developing a 5-lot subdivision, \$2500 is not much of a hit on their profit and may not add much to the town's support of outdoor recreation. At the very least, the funds should go to the recreation committee identified in the town's comprehensive plan.

**Commented [MAH4R3]:** I kind of think for a small subdivision paying in is the only reasonable way to get towards critical mass. It would go to recreation for anyone in town rather than just their subdivision residents.

Q. Agricultural and Forest Resources

- 1. Whenever a proposed subdivision is located adjacent to an active farm, pasture field, a woodlot listed under Tree Growth or a productive forest site, suitable provisions shall be incorporated in the subdivision proposal to minimize future conflicts between residential sites and agriculture, forestry operations.
- 2. Provisions to reduce conflicts between residential and activities of a working rural landscape shall be proposed based upon the size, density and site conditions of the particular subdivision. Some possible options include:
  - a. A mandatory structure set-back of 100 feet from the farm or forest site.
  - b. A vegetative buffer along property lines.
  - c. Location of homes away from the farm or forest
  - d. A disclosure notice, included in the deed for each lot, to inform the new landowner that agricultural and forest activities generate noise, dust and odors.

R\_ Rural Design and Landscape Standards for Public Scenery

- 1. Each subdivision proposal shall include a landscape or scenic preservation plan which shows how the lots, building sites, structures and roads preserve the existing rural character of the community. The plan shall incorporate the following standards into the overall development of the subdivision:
  - a. Building sites shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
  - b. Road and lot layout shall be adapted to the existing topography.
  - c. Existing trails shall be preserved.
  - d. Existing vegetation along front, side and rear lot property lines shall be preserved.
  - e. Lots shall be designed so as to enhance the privacy and rural atmosphere of the development
  - f. Trees located along the roads shall be preserved to the greatest extent.

**Commented [5]:** The language is quaint, but preserving green space not only enhances the appearance and appreciation of land as it exists prior to development, but also helps make a subdivision more resilient environmentally.

**Commented [6]:** It pains me to write this, but we might cut this one, as roadside trees and utility lines are not a good fit.

**Commented [MAH7R6]:** I think to the greatest extent leaves room for utility pole considerations.

**SECTION 5. TABLE OF LAND USES**

All land use activities, as indicated in table 1, land uses, below, shall conform to all of the applicable land use standards contained in this ordinance. The district designation for a particular site located in the rural or rural growth zone shall be determined from the official land use map. For the Shoreland, Stream Protection, Resource Protection, and Wetland Protection zones the district designation for a particular site shall be determined by a measurement taken from the ground horizontally to the normal high-water line of the protected resource.

**ABBREVIATIONS FOUND IN LAND USE TABLE: Table 1:**

- Yes - Allowed (no permit required but the use must comply with all applicable land use standards)  
Check with Table of Contents to find applicable provision(s)
- No - Prohibited
- PB - Allowed with permit issued by the Planning Board
- CEO - Allowed with permit issued by the *Code Enforcement Officer*. Numbers in parentheses refer to the footnotes at the end of the Land Use Table.
- ~~SB~~ - ~~Allowed with permit issued by the Fayette Select Board~~
- LPI - Licensed Plumbing Inspector - permit may be required.
- N/A - Not applicable. The numbers 1-6 which may follow the word "Key" refer to the exceptions or provisions described at the end of the Land Use Table section.

**Abbreviations:**

- RP - Resource Protection
- SP - Stream Protection
- WP - Wetland Protection
- ~~SD-LD~~ - ~~Shoreland-Lakefront~~ District
- RD - Rural District
- ~~RG~~ - ~~Rural Growth~~ ~~VD~~ - ~~Village~~ District

Table 1. Land Uses	District					
	RP	SP	WP	<del>SLD</del>	<del>RGVD</del>	RD
Accessory Structures	PB (Key #2)	PB (Key #2)	CEO (Key #2)	CEO	CEO	CEO
Agriculture	PB	<del>CEO</del> YES	<del>CEO</del> YES	<del>CEO</del> YES	YES	YES
<del>Auto Repair and Service</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>PB</del>	<del>PB</del>
Cemeteries	NO	NO	NO	NO	PB	<del>PB</del>
Campground	NO	NO	PB	PB	PB	PB
Clearing or Removal of Vegetation for purposes other than Timber Harvesting	PB (Key #1)	CEO	CEO	CEO	YES	YES
<del>Commercial - Large</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>PB</del>	<del>PB</del>
<del>Commercial - Resource</del>	<del>NO</del>	<del>PB</del> (Key #2)	<del>PB</del>	<del>PB</del>	<del>PB</del>	<del>PB</del>
Commercial - <del>Small</del>	NO	PB (Key #2)	PB	PB	PB	PB
Communication Towers	PB	PB	PB	PB	PB	PB
Seasonal Conversion	PB	PB (Key #6)	PB (Key #6)	PB (Key #6)	CEO	CEO

Commented [MAH1]: Not in Chapter 1000

Commented [MH2]: Not in Chp. 1000. Can we delete? Clearly a structure that will go to SPR with specific standards.



Culverts	PB	PB	PB	PB	CEO	CEO
<u>Emergency Operations</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>Essential Services</u>	PB	PB	PB	PB	YES	YES
Family Burial Plots	NO	NO	PB	PB	PB	<u>PB</u>
Fill & Earth Moving (greater than 10 yd <sup>3</sup> )	<u>PBCEO</u>	<u>CEO</u> <u>PB</u>	CEO	CEO	YES (Key #3)	YES (Key #3)
Fill & Earth Moving (less than 10 yd <sup>3</sup> )	CEO	CEO	CEO	YES	YES	YES
<u>Fire Prevention Activities</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
	<b>District</b>					
	<b>RP</b>	<b>SP</b>	<b>WP</b>	<b>SLD</b>	<b>RGVD</b>	<b>RD</b>
<u>Forest Management</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>
Government & Institutional	NO	PB	PB	PB	PB	PB
Home Occupation	<u>PBCEO</u>	<u>CEO</u> <u>PB</u>	<u>YES</u> <u>PB</u>	<u>YES</u> <u>PB</u>	YES	YES
Individual Campsite	<u>PBCEO</u>	CEO	CEO	CEO	CEO	CEO
<u>Industrial</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>
<u>Junkyards &amp; Auto Graveyards</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>
Marinas	NO	NO	NO	PB	N/A	N/A
Mineral Extraction	NO	NO	NO	NO	PB	PB
Mineral Exploration	NO	<u>NO</u> <u>YES</u>	<u>NO</u> <u>YES</u>	<u>NO</u> <u>YES</u>	YES	<u>YES</u>
Mobile Home Parks	NO	NO	<u>PB</u> <u>NO</u>	<u>PB</u> <u>NO</u>	PB	<u>PB</u> <u>NO</u>
Multi-Unit Residential	NO	NO	NO	PB	PB	PB
1 & 2 Family Dwellings	PB (Key #4)	PB (Key #2)	PB	PB	CEO	CEO
Parking Areas	NO (Key #5)	PB (Key #2)	PB	PB	CEO	CEO
<u>Permanent Pier or Dock</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>CEO</u>	<u>CEO</u>
<u>Private Sewage Disposal Systems for Allowed Uses</u>	<u>LP1</u>	<u>LP1</u>	<u>LP1</u>	<u>LP1</u>	<u>LP1</u>	<u>LP1</u>
Rear Lot	<u>NO</u> <u>YES</u>	<u>NO</u> <u>YES</u>	<u>NO</u> <u>YES</u>	<u>NO</u> <u>YES</u>	<u>YES</u>	<u>YES</u>
<u>Recreation—Active</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Recreation—Passive</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
<u>Road &amp; Driveway &lt;500ft</u>	PB	PB	PB	PB	CEO	CEO
<u>Road &amp; Driveway &gt;500ft</u>	<u>NO</u>	PB	PB	PB	PB	PB
<u>Signs</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>Small non-residential facilities for educational, scientific or nature interpretation purposes</u>	<u>PB</u>	<u>PB</u> (Key #2)	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
Subdivisions	PB	PB	PB	PB	PB	PB
<u>Temporary Pier or Dock</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>N/A</u>	<u>N/A</u>
Uses Similar to uses requiring CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to uses requiring PB Permit	PB	PB	PB	PB	PB	PB

**Commented [MAH3]:** Exempt in narrative

**Commented [MAH4]:** Chp 1000 has 4 categories, some assigned to CEO. Suppose we need to list them all?

**Commented [MAH5]:** Not in Chapter 1000

**Commented [MAH6]:** Not in Chapter 1000, add to narrative

**Commented [MAH7]:** Think we're out of this townwide except the access roads, right?

**Commented [MAH8]:** Not in Chp 1000 and we're saying not allowed anywhere? Think this is SelectBoard under state law?

**Commented [MAH9]:** Should review. Stricter than Chp 1000

**Commented [MAH10]:** Leave in chart or just address in dimensional table notes?

**Commented [MAH11]:** This is not in Chp 1000. We do have a definition in our LUO. Do we need to keep it? Would not think allowable in RP as defined and probably other SZ. Think we should delete it.

**Commented [MAH12]:** Out of alphabetical order, can move later

**Commented [MAH13]:** Footnote exception in 15.H.4 Road Standards

**Commented [MAH14]:** Chp 1000 says YES, think we want to review except name and address signs? Add a note?