B. In determining whether conditions are appropriate or necessary, the Planning Board, the Code Enforcement Officer and/or the Appeals Board shall consider the unique features of the site, off-site impacts, the surrounding area, the proposed use, and the proposed structure. A written finding of fact shall be created stating that unique features are found to exist and suitable conditions can be imposed that will allow the proposal to meet the purposes of this Ordinance. The conditions shall be listed on the permit and shall be made enforceable under this Ordinance.

C. A performance bond may be required as a condition when the Planning Board finds one of the following items included in the proposal:

1. The project includes the construction of a public improvement such as a road or other structure that will be proposed for Town acceptance; or

2. The project is adjacent to an environmentally-sensitive area (such as a wetland or other resource) and the installation of erosion control measures or phosphorus control measures are critical to protecting the area.

D. The performance bond when required shall be an amount equal to the expense of installing the particular item and made payable to the Town, issued by a surety company. The performance bond may be released after the Planning Board or its designee conducts an inspection of the project to determine if the construction and performance requirements of this Ordinance have been followed. Failure to conform to the conditions of the performance bond shall be deemed a violation of this Ordinance.

SECTION 5. CODE ENFORCEMENT OFFICER PERMIT REVIEW

A. This section shall apply to all land use activities that require Code Enforcement Officer Review.

B. Application Procedure:

1. Within fourteen (14) days of receiving a permit application, or additional requested information or material, the Code Enforcement Officer shall determine if the application is complete and shall notify the applicant in writing that the application is complete, or if the application is not complete, the specific additional materials that are needed to make the application complete.

2. Within fourteen (14) days of determining that the application is complete, the Code Enforcement Officer shall render a final decision to approve or to deny the permit application. The final decision shall be based on whether or not the application meets the requirements of this Ordinance. The final decision shall be issued in writing to the applicant. If the application is approved, the Code Enforcement Officer shall issue the permit within seven (7) days.

3. The Code Enforcement Officer also serves as consultant to and as designee for the Planning Board in situations requiring Planning Board review. He/she is available to the applicant for consultation, reviews the application and, when the application is complete, submits it to the Planning Board. If the application is approved by the Planning Board, the Code Enforcement Officer shall issue the permit within seven (7) days.

4. Any aggrieved party may appeal the Code Enforcement Officer’s decision or failure to act to the Board of Appeals. Appeal applications are available at the Town Office.

C. Submission Requirements:
1. Name, address and phone number of the owner(s), of the applicant(s) (if different from the owner), and of the applicant(s)' agent, if any.

2. Property location including the Fayette tax map and lot number.

3. Verification of the applicant's right, title or interest in the property.

4. Receipt of the appropriate permit fee.

5. Estimated cost of the proposal.

6. Schedule of construction including anticipated beginning and completion dates.

7. Plumbing and/or subsurface wastewater disposal permit application.

8. A written description of the proposed project.

9. A map (drawn to scale, if required by the Code Enforcement Officer) showing the location, boundaries, dimensions, elevations, uses and size of the following: site; structures; setbacks; parking areas; roads; driveways; drainage ways; erosion and storm water control measures; open space; landscaping; aquifers; buffers and all water bodies.

10. Any other information necessary to show that the proposal complies with the applicable provisions of this Ordinance.

11. A notice shall by mailed by first class mail to the applicant and abutters in order to notify them of the date, time, place and purpose of the public hearing. Only those abutters having property lines within two hundred fifty (250) feet of the proposed project site shall be notified.

12. If the project involves a non-conforming lot, the date the non-conforming lot was created.

SECTION 6. **PLANNING BOARD REVIEW**

A. This section shall apply to all land use activities that require Planning Board Review

B. Application Procedure:

1. An applicant shall submit to the Planning Board a copy of a complete application. Within thirty (30) days of receiving the application the Planning Board shall determine if the application is complete. The Planning Board or its designee shall notify the applicant in writing if the application is complete or if it is not complete, of the specific items necessary to complete the application. The Planning Board may decide to hold a public hearing on the application.

2. All applications shall be reviewed by the Planning Board at a public meeting. If any person shall have notified the Town Office that s/he wants to attend the Planning Board meeting at which the application will be reviewed, that person shall be notified of the date, time and place of the meeting by the Town Office. However, failure to give such notice shall not affect the validity of any action taken on the application by the Planning Board.

3. At the public meeting, the Planning Board shall consider all documents and written and oral statements relating to the application.
4. Within sixty (60) days after making a determination that an application is complete, the Planning Board shall render a decision to approve the application, approve the application with conditions, or to deny the application. The final decision of the Planning Board shall be based upon whether or not the application meets the requirements of the Ordinance.

5. The Planning Board may require the applicant to perform additional studies, provide additional written information, or to hire a consultant to review the entire and/or portions of the application. The cost to perform any studies, obtain additional information or hire a consultant shall be borne by the applicant.

6. The review period may be extended beyond the 60-day limit by mutual consent of both the Planning Board and the Applicant. The final decision of the Planning Board shall be in writing and shall be provided to the applicant and to the Code Enforcement Officer.

7. If the application is approved, the Code Enforcement Officer, at the direction of the Planning Board, shall issue the permit within seven (7) days after s/he is notified of the decision. In some instances, the Planning Board may specify that the permit is not to be issued until one or more conditions are met.

8. Any aggrieved party may appeal the Planning Board’s decision or failure to act to the Board of Appeals. Appeal applications are available at the Town Office.

C. Submission requirements:

1. The submission requirements listed in Section 5 B and C above of this Article shall be provided and the following items may, also, be requested in writing:

   (a) A plan of the area showing contours at intervals to be determined by the Planning Board and referenced to Mean Sea Level, high water elevation, ground water conditions, bedrock, slope and vegetative cover.

   (b) Plans of buildings, sewage disposal systems and water supply lines.

D. Special Review for a Single Family Home in the Resource Protection District:

1. The Planning Board may consider an application for the construction of a single-family home in the Resource Protection District if all of the following conditions can be met in addition to meeting the requirements of Section 6 (A), (B) and (C), above:

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

   (b) The lot on which the structure is proposed is undeveloped and was established and recorded in the Registry of Deeds in the county in which the lot is located before the lot was placed in the Resource Protection District.

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

   (1) Located on natural ground slopes of less than 20%; and,

   (2) Located outside of the floodway of the 100 year floodplain along rivers and artificially formed great ponds along rivers, based upon the FIRM maps for the Town of Fayette; all buildings,
including basement floors, are elevated at least one (1) foot above the 100 year floodplain elevation; and the development is otherwise in compliance with any applicable floodplain management ordinance.

(3) If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood plain.

(d) The total ground-floor area of all principle and accessory structures is limited to a maximum of 1,500 square feet. This limitation cannot be altered by variance. Cantilevered or similar overhanging extensions shall be included in the total ground-floor area calculation.

(e) All structures, except functionally water-dependent structures, are set back from the normal high water line or upland edge of a wetland to the greatest practical extent, but not less than 100 feet horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site’s elevation in regard to the floodplain, and its proximity to moderate and high value wetlands.

E. Special Review for Single-Family Dwelling on Legal Undersized Lot in a Protected District.

1. This Section 6(E) applies to applications to construct a new single-family dwelling, or to relocate, reconstruct, or replace an existing structure on a legal lot, located in the Shoreland, Resource Protection, Stream Protection or Wetland Protection District, which does not meet the dimensional requirements for a building lot in that district in effect at the time of the application. The term "legal lot" shall include a lot which was part of an approved subdivision and/or a lot which was not part of an approved subdivision and which, from date the lot was created, met the dimensional requirements existing at that time.

2. This Section shall apply only when the Planning Board determines that:

   (a) The applicant cannot construct a dwelling in accordance with this Ordinance and meet the setback requirements from both the resource being protected (i.e., pond, stream, wetland, etc.) and the road and all other setback requirements of this Ordinance must be met; and

   (b) It is more important from the perspective of protecting the resource that the dwelling must meet the setback from the resource rather than the setback from the road.

   (c) The dimensions of the lot are adequate to meet the setback requirements between the dwelling’s well and its wastewater disposal system and between its wastewater disposal system and all abutters’ water wells as required by the Maine State Plumbing Code.

3. If the Planning Board makes the determinations described in paragraph 2, above, then it may reduce the setback requirement from the road to no less than twenty feet (20') from the road right-of-way or, if that cannot be determined, forty-five feet (45') from the centerline of the road.

ARTICLE 7. LAND USE DISTRICTS

SECTION 1. LAND USE MAP

All land use activities, as indicated in Table 1, Land Uses, below, shall conform with all of the applicable land use standards contained in this Ordinance. The Official Land Use Map shall be identified by the signature of the Town Clerk. The Official Land Use Map shall be located in the Town office and it shall be the final authority as to the current zoning status of the land and water areas, buildings and other structures in the Town.
SECTION 2. LAND USE DISTRICTS

The Town of Fayette is hereby divided into the following districts, as shown by the district boundary lines in the Official Land Use Map.

Resource Protection District (RP)
Stream Protection District (SP)
Wetland Protection District (WP)
Shoreland District (SD)
Rural District (RD)
Rural Growth (RG)

SECTION 3. DISTRICT BOUNDARIES

A. The following rules shall be used to interpret the district boundary lines as shown on the Official Land Use Map:

1. Boundaries indicated as approximately following the center lines of streets, highways, or roads shall be construed to follow such center lines.

2. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.

4. Boundaries indicated as following shorelines shall be construed to follow the normal high water line, 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 lines of stream, rivers, lakes or other bodies of water shall be construed to follow such center lines.

5. Boundaries indicated as being parallel to or extension of features indicated in subsections 1 and 2, above, shall be so construed. Distances not specifically indicated on the Official Land Use Map and description of documents and bounds in the deed shall be resolved in favor of the description of metes and bounds.

6. Where physical or cultural features existing on the ground are at variance with those on the Official Land Use Map or in circumstances where the items covered by subsection 1 through 5 above are not clear, the Board of Appeals shall interpret the district boundaries.

SECTION 4. DISTRICT PURPOSES

A. 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 Shoreland 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.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are:
a. 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 MDIF&W or the Department as of May 1, 2006;

b. 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 MDIF&W or the Department as of May 1, 2006; or

c. habitat for species appearing on the official State or Federal lists of endangered or threatened species.

(2) 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.

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

(4) 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.

(5) Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement.

B. 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 shorland 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.

C. Wetland Protection District. The Wetland Protection District includes areas within 250 feet of the upland edge of designated wetlands. It provides for some residential and recreational development while protecting water quality, natural habitat and scenic values. This district does not include any forested wetland districts.

D. Shoreland District. The Shoreland Protection 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. Requirements for this District are found in the Mandatory Shoreland Zoning Act, Title 38, MRSA Section 435, Section 438 et seq.

E. 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.

F. 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.
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:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP</td>
<td>Resource Protection</td>
</tr>
<tr>
<td>SP</td>
<td>Stream Protection</td>
</tr>
<tr>
<td>WP</td>
<td>Wetland Protection</td>
</tr>
<tr>
<td>SD</td>
<td>Shoreland District</td>
</tr>
<tr>
<td>RD</td>
<td>Rural District</td>
</tr>
<tr>
<td>RG</td>
<td>Rural Growth</td>
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</tbody>
</table>

After reviewing the Land Use Table, the applicant is advised to read the text of the specific provision(s) that apply.

TABLE 1. LAND USES

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Accessory Structures</th>
<th>Agriculture</th>
<th>Auto Repair &amp; Service</th>
<th>Cemeteries</th>
<th>Campground</th>
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<tbody>
<tr>
<td></td>
<td>PB Key #2</td>
<td>PB</td>
<td>CEO Key #2</td>
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<td>RP</td>
<td>SP</td>
<td>WP</td>
<td>SD</td>
<td>RD</td>
<td>RG</td>
</tr>
<tr>
<td></td>
<td>CEO</td>
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<td>YES</td>
</tr>
<tr>
<td></td>
<td>PB</td>
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<td>NO</td>
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<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td></td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
<td>PB</td>
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<td>District</td>
<td>RP</td>
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<td>WP</td>
<td>SD</td>
<td>RD</td>
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<td>----------------------------------------------</td>
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<td>Commercial - Small</td>
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<td>Communication towers</td>
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<td>Conversion - residence from seasonal to year-round -1st 100 ft. from shoreline</td>
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<td>Culverts</td>
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<td>Emergency operations</td>
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<td>Essential Services</td>
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<td>Family Burial Plots</td>
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<td>Fill &amp; earth moving greater than 10 cubic yards</td>
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<td>Fill &amp; earth moving less than 10 cubic yards</td>
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<td>Fire prevention activities</td>
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<td>Forest Management</td>
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<td>Individual Campsite</td>
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<td>Junkyards &amp; Auto Graveyards</td>
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<td>SB</td>
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<td>Marinas</td>
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<td>Mineral Extraction</td>
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<td>Mobile home parks</td>
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<td>1 &amp; 2 family dwelling</td>
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<td>Road &amp; driveway &lt;500 ft</td>
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<td>PB</td>
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### TABLE 1. LAND USES

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<tr>
<th></th>
<th>RP</th>
<th>SP</th>
<th>WP</th>
<th>SD</th>
<th>RD</th>
<th>RG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary pier or dock</td>
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<td>Timber Harvesting less than 75 Ft from Shore</td>
<td>PB Key #7</td>
<td>PB Key #7</td>
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<tr>
<td>Timber Harvesting more than 75 Ft from Shore</td>
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<td>Uses similar to uses requiring CEO permit</td>
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<td>Uses similar to uses requiring PB Permit</td>
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</tbody>
</table>

**NOTE:** A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater, wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

**KEY:**

1. In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2. Provided that a variance from the setback requirement, if required, is obtained from the Board of Appeals.
3. If more than 100 cubic yards of earth moving need CEO approval.
4. Single family residential structures may be allowed by special exception only in accordance with the provisions of Article 6 Section 6 (E), Two family residential structures are prohibited.
5. Except when area is zoned for Resource Protection due to floodplain criteria in which case a permit is required from the Planning Board.
6. Licensed Plumbing Inspector permit may be needed.
7. Forest Management Plan may be required.
SECTION 6. DIMENSIONAL REQUIREMENTS

All buildings and structures shall conform to the *dimensional requirements* set forth in this section, which are minimum requirements, unless otherwise noted.

### A. Table of Dimensional Requirements

<table>
<thead>
<tr>
<th></th>
<th>Resource Protection</th>
<th>Wetland District</th>
<th>Stream Protection</th>
<th>Shoreland</th>
<th>Rural</th>
<th>Rural Growth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size (Note #1)</td>
<td>1 acre</td>
<td>2 acres</td>
<td>1 acre</td>
<td>1 acre</td>
<td>2 acres</td>
<td>1 acre</td>
</tr>
<tr>
<td>Road Frontage</td>
<td>150 feet</td>
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<td>150 feet</td>
<td>200 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>(Note #3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(see B.8., below)</td>
</tr>
<tr>
<td>Road Setback (ft.)</td>
<td>50/75</td>
<td>50/75</td>
<td>50/75</td>
<td>50/75</td>
<td>50/75</td>
<td>50/75</td>
</tr>
<tr>
<td>Side Setback</td>
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</tr>
<tr>
<td>Rear</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>25 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Maximum Building Height (Note #4)</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
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<td></td>
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<tr>
<td>Shore Frontage</td>
<td>200 feet</td>
<td>200 feet</td>
<td>200 feet</td>
<td>200 feet</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>(Note #2)</td>
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<tr>
<td>Shore Setback</td>
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<td>100 feet</td>
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<tr>
<td>Maximum Impervious Area (Note #6)</td>
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<td>20%</td>
<td>20%</td>
<td>20%</td>
<td>35%</td>
<td>50%</td>
</tr>
</tbody>
</table>

**NOTES**

1. The minimum lot size for any Commercial, *Institutional*, or Government structure located in a Shoreland, Stream Protection, Wetland and Resource Protection Districts shall be 60,000 square feet.

2. The minimum *shore frontage* of any Commercial, *Institutional* or Government structure located in a Shoreland, Stream Protection, Wetland and Resource Protection Districts shall be 300 feet.

3. *Road Setback*. First number is measured from the *Road* Right-of-way and the second number is measured from the centerline of the *road*. Whenever the *road* right-of-way cannot be determined the measurement from the *road* centerline shall prevail.

4. Please pay particular attention to this note since requirements may affect your property:

   a. The maximum height of any portion of a structure located from 25 to 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.
b. The maximum height of any portion of a structure located from 75 to 100 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of paragraph Article 2, Section 3 A (1)(c) in the Land Use ordinance.

c. The maximum height of any portion of a structure that is from 100 to 250 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 35 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 100 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of Article 2, Section 3 A 1 (c, d) in the Land Use ordinance.

d. Height requirements do not apply to chimneys, towers, and agricultural structures.

e. In Rural & Rural Growth building height in excess of 35 feet requires Planning Board approval.

f. In all Districts, building height is measured from the downhill side of the building to the roof peak.

5. All water body setbacks are measured from the normal high waterline and for wetlands from the upland edge.

6. Impervious areas include all buildings, structures and all non-vegetated areas. The maximum applies except as otherwise required by the State Stormwater Law.

B. Other Dimensional Requirements:

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

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

3. For lots in the Resource Protection, Stream Protection, Wetland Protection and Shoreland Districts, the minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

4. If more than one residential dwelling or more than one principal commercial or industrial structure or use is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling or principal structure or use. However, multi-family dwellings shall conform to the dimensional requirements contained in Article 8, Section 24, below.

5. The shore setback requirements shall apply neither to structures which require direct access to the water as an operational necessity such as piers, docks and retaining walls, nor to other functionally water dependent uses.
6. The lowest elevation or openings of all buildings and structures including *basements* (both windows and doors) shall be elevated at least one foot above the 100 year flood plain, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.

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

8. Notwithstanding the Road Frontage requirements of this Ordinance, in the Rural and Rural Growth Districts, Rear Lots may be built upon provided that all state and federal requirements, and the following provisions, are met:
   
   a. The area of the Rear Lot shall be at least the minimum required in the district in which it is located.

   b. The total Road Frontage of the front lot, less the width of the access, shall continue to equal or exceed the minimum Road Frontage required in the district. Where the access bisects the front lot line, the Road Frontage on either side of the access may be combined to meet this requirement, and the front lot shall continue to be treated as a single, undivided lot.

   c. The access to the Rear Lot may not serve more than two Rear Lots, or not more than two single-family dwellings, or one two-family dwelling.

   d. No more than one access for Rear Lot development may be created out of any single lot fronting on a public or private road unless each subsequent access is created out of additional Road Frontage as required for that district, measured from the center lines of the accesses.

   e. No Structure shall be located within the limits of an access.

   f. A sketch of the access shall be included in the building permit.

   g. The Rear Lot shall not be required to have frontage on the access.

   h. The provisions of this paragraph 8 shall not create a lot which is exempt from any subdivision review and approval which may otherwise be required.

   i. Any Rear Lot, together with any right-of-way or access serving it, created before the adoption of this paragraph 8 shall be considered a Legal Non-Conforming Lot, and may be used in accordance with all other applicable provisions of law and ordinance.

   j. The access to a Rear Lot shall be at least 30 feet in width.

**ARTICLE 8 - LAND USE STANDARDS**

**SECTION 1. APPLICABILITY**

All land use activities shall conform to the following provisions if applicable.
SECTION 2. WELLS, INTERNAL PLUMBING AND SUBSURFACE WASTEWATER DISPOSAL

A. No permit shall be issued for any structure or use involving construction or alteration of plumbing facilities unless a valid Plumbing Permit has been secured by the applicant in accordance with the Subsurface Wastewater Disposal Rules and the Internal Plumbing Rules.

B. In accordance with Article IV, Section 6(C), a notice to each abutter is required with regard to any permit application for the installation or relocation of any well and private sewage disposal system on land parcels less than one acre in size. Notice to abutters is also required for those land parcels of any size that adjoin a parcel of record that is less than one acre in size, where wells or sewage disposal system are proposed within 100 feet of the adjoining property lines.

C. All public beach and vehicular accessed boat ramps shall be served by an approved subsurface wastewater disposal system. Provisions shall be developed to provide for the maintenance of the system.

D. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the Shoreland Zone, Wetland and Stream Districts and the Resource Protection District. (Title 22 MRSA Article 42).

SECTION 3. PIERS, DOCKS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH WATER LINE OF A WATER BODY OR WITHIN A WETLAND

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

B. The location shall not interfere with existing developed or natural beach areas.

C. The facility shall be located so as to minimize adverse effects on fisheries.

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

E. Only one (1) dock and one (1) float/raft shall be permitted per shorland lot or, if a lot has more than 200 feet frontage, only one (1) dock and one (1) float/raft per 200 feet.

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

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

H. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.
I. All setbacks that apply to land structures shall apply to structures attached to the land that extend beyond the high-water line (e.g. docks) and shall be constructed so as not to interfere with access to the property or right-of-way of abutting property.

SECTION 4. CAMPGROUNDS

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

A. Campgrounds shall contain the following amount of land for each campsite not including roads and driveways:

1. For areas within the Resource Protection, Wetland, Stream and Shoreland Districts the minimum land area per camp site shall be 5,000 square feet, and,

2. For areas within the Rural and Rural Growth Districts the minimum land area per campsite shall be 2,500 square feet.

3. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

B. The areas intended for placement of a recreational vehicle, tent or shelter and utility and service buildings shall be set back a minimum of 100 feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

SECTION 5. INDIVIDUAL PRIVATE CAMPSITES

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

A. One campsite per lot existing on the effective date of this Ordinance, or per the minimum lot size for the district in which it is located, whichever is less, may be permitted

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

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

D. In the Shoreland District only one (1) recreational vehicle shall be allowed on a campsite.

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

F. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or landowner is required.
G. When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

SECTION 6. PARKING AREAS

A. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

B. Parking areas shall be: adequately sized to handle the traffic generated by the proposed use; designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site; and, no required parking or loading areas shall be located on the road.

C. In determining the appropriate size of proposed parking facilities, the following shall apply:

1. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

2. Internal travel aisles: Approximately twenty (20) feet wide.

D. Parking areas are not subject to the property line and road setback requirements under Article 7, Section 6, Table of Dimensional Requirements, provided all requirements of Article 7, Section 7-M are met and the parking area does not serves more than 2 lots.

SECTION 7. ROADS, DRIVEWAYS, CULVERTS AND ENTRANCES

After obtaining an entrance permit from the Road Commissioner or the D.O.T. for access to a town or state road, the construction of roads, driveways, related drainage systems, culverts and other related features shall meet the following standards and shall further meet the Road and Traffic Standards as contained in the Town of Fayette Subdivision Ordinance, Section 8, subsection O.

A. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists, as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

B. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.
C. Section 7 (A) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 7 (A) except for that portion of the road or driveway necessary for direct access to the structure.

D. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body with Planning Board review and approval.

E. New permanent roads are not permitted within the Shoreland, Stream Protection, Wetland and Resource Protection Districts except:

1. To provide access to structures or facilities within the district; or

2. The applicant demonstrates that no reasonable alternative route exists outside the district;

3. When roads must be located within the district they shall be set back as far as practicable from the normal high-water line and screened by existing vegetation.

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

G. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in this Ordinance.

H. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

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

J. Ditch relief (cross drainage) culverts, drainage ditches and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
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<td>11-15</td>
<td>80-60</td>
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<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

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

3. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle down-slope from a line perpendicular to the centerline of the road or driveway.

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.

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

L. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches for driveway entrances and eighteen (18) inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. The pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six ((6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.

M. Roads and Driveways are not subject to the property line and road setback requirements under Article 7, Section 6, Table of Dimensional Requirements, provided the following requirements are met:

1. The road or driveway serves no more than 2 lots.

2. If a road or driveway must be located closer to the property line than 10', the permitting authority shall review and approve the location based on the following:

2-A. The applicant cannot construct a driveway/road that would meet the setback requirements from both the resource being protected (i.e. pond, lake, stream, wetland, etc.) and the property line/road setbacks, and it is more important from the perspective of protecting the resource that the driveway/road must meet the setback from the resource rather than the setback from the property line/road; and/or

2-B. The need to locate the driveway/road near the property line is due to topography and/or the amount of disturbance that would impact the surrounding area and water runoff issues; and/or
2-C. The location of the driveway/road is a deeded access in existence prior to the adoption of this ordinance; and/or

2-D. If the driveway/road must be located closer than 5’ to a property line, a notified letter from the abutter shall be given to the Code Enforcement Officer for the record and it shall be recorded at the Kennebec Registry of Deeds. This does not apply to deeded accesses in existence prior to the adoption of this ordinance.

SECTION 8. SIGNS

A. "Official business directional signs" on all public ways in the Town shall be governed by Title 23 Maine Revised Statutes §1903. Permits for them shall be obtained from the Maine Department of Transportation. To the extent that any provision of this Ordinance is less strict than Title 23 Maine Revised Statutes Chapter 21, Chapter 21 shall control.

B. Signs and billboards relating to goods and services sold on the premises shall be permitted. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited with the exception of small directional signs, six (6) square feet or less, which are permitted.

C. Any sign located within the Wetland, Stream Protection, Resource Protection and Shoreland Districts shall be limited to a total of two (2) signs per premise and shall not exceed 6 square feet per sign. Signs within the Rural and Rural Growth Districts shall be limited to a total of three (3) signs per premise and each sign shall not exceed thirty-two (32) square feet.

D. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises and do not exceed six (6) square feet in area in the aggregate.

E. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed 2 square feet in area.

F. Signs relating to public safety shall be permitted without restriction.

G. No sign shall extend higher than 20 feet above the ground.

H. Signs may be illuminated only by full-cutoff, non-flashing lights.

I. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

SECTION 9. STORMWATER RUNOFF

A. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Any increase in stormwater flow shall not create soil erosion, flooding, property damage, damage to natural resources or create safety hazards to downstream properties. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

B. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

C. The following stormwater standards shall apply to all development that exceeds 3,000 square feet of building footprint or has more than 20,000 square feet of impervious area.
1. A stormwater control plan shall be developed to limit peak discharge from the site to pre-development levels through a system of swales, culverts, and best management practices equivalent to those described in the current edition of "Stormwater Management for Maine: Best Management Practices" published by the Maine Department of Environmental Protection, 2007.

2. Peak Discharges shall be limited to the pre-development levels for the 2-year, 10-year and 25-year frequency 24-hour duration storm.

SECTION 10. PHOSPHORUS CONTROL

The following standards shall apply to all development located in the direct watershed of a great pond except for residential dwellings and agricultural uses. A phosphorus control plan shall be developed in accordance with the design criteria contained in the current edition of “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development,” published by the Maine Department of Environmental Protection, revised 2002.

SECTION 11. ESSENTIAL SERVICES

A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

B. The installation of essential services, other than roadside distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

C. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

SECTION 12. MINERAL EXPLORATION AND EXTRACTION

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

B. Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 3 below.

2. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
3. Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12 month period, ground levels and grades shall be established in accordance with the following:

a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site;

b. The final graded slope shall be two to one (2:1) slope or flatter;

c. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be re-seeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

SECTION 13. AGRICULTURE

A. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

B. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the Shoreland District must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

C. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, or the spreading disposal or storage of manure within a Resource Protection, Stream Protection, Wetland or Shoreland Districts shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan will be considered to be a violation of this Ordinance.

D. There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high water line of a great pond classified GPA; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

E. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

SECTION 14. TIMBER HARVESTING

SUBSECTION 1. SCOPE AND APPLICABILITY

A. SCOPE. This rule governs all timber harvesting and related activities conducted in, over, or near water bodies, including rivers, streams, brooks, ponds, lakes, Great Ponds,