

Town of Fayette
Land Use Application
For the following Districts only:

RESOURCE PROTECTION DISTRICT

STREAM PROTECTION DISTRICT

WETLAND PROTECTION DISTRICT

SHORELAND DISTRICT

OFFICE USE ONLY:

FEE: \$ _____

DATE PAID: _____

PERMIT #: _____

DATE APPLICATION SUBMITTED: _____

PROJECT START DATE: _____ DATE APPLICATION DECLARED COMPLETE: _____

DATE APPLICANT NOTIFIED OF PLANNING BOARD HEARING: _____

DATE ABUTTERS NOTIFIED OF PLANNING BOARD MEETING: _____

FAYETTE PROTECTED DISTRICTS PERMIT APPLICATION

1. Applicant(s): _____

2. Mailing Address: _____

3. Applicant Tel. #: _____ 4. Applicant E-mail: _____

5. Property Owner(s): _____

6. Owner(s) Address: _____

7. Owner(s) Tel. #: _____ 8. Owner's E-mail: _____

9. Contractor/Agent: _____ 9-a. D.E.P. Certification # _____

10. Contractor/Agent Address: _____

11. Contractor/Agent Phone #: _____ 12. Contractor/Agent E-mail: _____

13. Location/Address of Property: _____

14. Tax Map & Lot: Map _____ Lot _____ 15. Land Use District(s): _____

16. Is the Lot Part of a Subdivision? No _____ Yes _____ Name: _____

17. Lot Area Sq. Ft. or Acreage: _____ 18. Property Dimensions in Feet:

18-a) Front: _____ Ft. 18-b) Sides _____ Ft. 18-c) Front: _____ Ft. or (See Attached Map)

19. Structure Height After Completion: _____ or N/A

20. Sq. Ft. of Lot to be covered by Non-vegetative Surfaces: _____

21. Current Use of Property: _____

22. Proposed Use of Property After Completion: _____

23. Estimated Cost of Construction (Based on Fair-Market Value): _____

24. Please describe, in detail, the work to be done for your proposed project.

25. DRAWING TO SCALE

26. PHOTOS – Please see Instruction #26 of Information page

FRONT OR REAR VIEW

SIDE VIEW

27. Standard Conditions of Approval for Resource Protection, Wetland, and Shoreland Districts

A. **Approval is for only what is proposed in an application dated:** _____
Any change from this application is not allowed without additional approval.

B. Grandfathered structures may be expanded after obtaining a permit. These expansions cannot be closer to the waterbody than the original structure and must comply with the definition of “increase in non-conformity of a structure” found in the Fayette Land Use Ordinance, Article 2, Sections 1-5, “Non-conforming Conditions.” If your project is in this category, please consult #30 on page 7.

C. Your property is located in the _____ District.
Structure setback distances must be as follows:

High-water mark = 100 Ft., Side = 15 Ft., Rear = 15 Ft. Road = 50 /75 Ft.,

The 50 foot road setback is measured from the road right-of-way line. The 75 foot road setback is measured from the centerline of the road. If the measurement from the right-of-way line is difficult to locate & identify, the setback to be used is the center line distance (75 Ft). The road, side and rear setbacks are measured at a right angle to the right-of-way line, centerline or property line, as appropriate, and not measured as an extension of the walls in question. The setbacks are measured to the drip edge of the eaves or gable end of the structure in question and not to the foundation.

D. When a lot abuts more than one public street, or when the lot abuts a public street and one or more private streets, then the road setback applies to all roads, as defined.

E. The Code Enforcement Officer (CEO) may have made notes or additions to your sketch. S(he) will verify the location of your structure and determine that each setback is at least at the minimum distance required.

F. If any exterior or internal plumbing is proposed, then, in compliance with State Law, the necessary plumbing permit must be acquired from the Town’s Licensed Plumbing Inspector,.

G. Any clearing of vegetation or timber harvest in any of the Protected areas must comply with the guidelines in the Fayette Land Use Ordinance, Article 8, Sections 14 and 15.

H. One winding path of no more than 6 feet in width is allowed for each lot. A path that winds, rather than a straight path, is required in order to provide opportunities for runoff to disperse into the buffer (i.e., the first 50 ft in width from the waterbody).

I. No disturbance of groundcover (including the soil cover & leaf layer} and vegetation shall be caused within the buffer. Equipment movement & excavation disturbance must be carefully controlled to avoid any impact on the buffer. For example, it is not permissible to locate a foundation at the buffer limit if that placement will cause any disturbance within the buffer. State & local ordinances require that silt fences must be erected to prevent disturbance within the buffer.

27. Continued

- J. Fill cannot be brought into the buffer area except for path construction or to re-vegetate bare ground as part of an approved re-vegetation plan. Path construction material must consist of washed stone, bark mulch or other material that will not wash into the water
- K. Vegetation less than 3 feet in height in the buffer area cannot be removed or killed or otherwise damaged.
- L. Pruning of branches in the buffer area is permitted only on the bottom 1/3rd of a tree.
- M. Structures are not allowed within the buffer area, except for water-dependent structures. This prohibition includes, but is not limited to: storage buildings, boathouses, patios, decks, tent platforms, temporary structures & other structures.
- N. In the off-season, temporary structures, i.e. docks & shacks should be stacked on the footpath to avoid damage to the buffer vegetation or removed from the buffer entirely.
- O. Openings or view corridors in existence prior to January 1, 1989 can be maintained but not enlarged.
- P. Openings or view corridors that have grown over with woody vegetation cannot be re-opened.
- Q. The creation of cleared openings is prohibited. A well-distributed stand of trees must be maintained. These provisions restrict the harvesting of trees within 75 feet of the shoreline. For complete information, see Land Use Ordinance Article 8, Section 14.
- R. Any fill, topsoil removal or earth-moving must comply with the State's Erosion & Sedimentation Control Law, Title 38, M.R.S.A., Section 420-C. Only fill that is "inert fill," as defined in State Law, is permitted.
- S. For certain projects that exceed 15,000 square feet of impervious area or 5 acres of disturbed area, a storm water permit is required from the State, in compliance with the Storm Water Management Law, **Title 38, M.R.S.A., Section 420-D.**
- T. The proposed project may require approval from the State of Maine under the provisions of the Permit-by-Rule process. Check with the CEO who will provide you with the necessary form.
- U. If the project is located in, on, over or adjacent to wetlands or any waterbodies, the project may need to comply with DEP, Chap. 310, Wetlands & Waterbody Protection Standards. If this applies, then you must file an individual application form for wetland alteration with the DEP. **Title 38 MRSA SEC. 480-B.** (These standards may apply if the project may adversely affect wetlands or any waterbodies and areas adjacent to them (75 feet, horizontal distance) as a result of any dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; drain or dewater; or construction, repair or alteration of any permanent structure.)

28. BUILDING PERMITS INVOLVING NON-CONFORMING CONDITIONS

A “non-conforming condition” (grandfathered) is a non-conforming lot, structure or use that is allowed solely because it was in lawful existence at the time the current Ordinance or subsequent amendment took effect. Grandfathered structure(s) may be expanded after obtaining a permit only if the expansion(s) are no closer to the waterbody than the original structure. Expansion(s) may be allowed if they comply with the requirements of “increase in non-conformity of a structure” found in the Fayette Land Use Ordinance. Such expansions of floor area are limited based on the location of the grandfathered structure to the protected waterbody. No expansion is allowed to any portion of a structure within 25 feet of the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland. Silt fences or other erosion control measures must be properly installed at the upland extent of the buffer area below any construction.

The maximum height of any proposed expansion / structure in areas described below is limited to:
1) no more than 20 Ft. within 75 Ft. of waterbody; 2) 25 Ft. if more than 75 Ft. but less than 100 Ft. from waterbody; 3) No restriction beyond 100 Ft. from waterbody.

Directions for questions 31 A-D: You must include the square footage of all structures.

If your structure(s) is square or rectangular, measure the length of one side line of the structure, then measure the length of one end of the structure, then multiply the two measurements to get the square footage. If your structure has an irregular shape, add together the length of both sides & divide by 2; then add together the lengths of both ends & divide by 2; then multiply the two answers (dividends) to get the square footage.

A. What is the current square footage (floor space) of the existing structure(s) or the portion of your structure(s) that is located between 25 feet and 75 feet, horizontal distance, from the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland?
_____Sq. Ft.

B. What is the square footage (floor space) of the proposed expansion of your structure(s) or the portion of your structure(s) that is located between 25 feet and 75 feet, horizontal distance, from the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland? _____Sq. Ft.

C. What is the current square footage (floor space) of the existing structure(s) or the portion of your structure(s) that is located between 75 feet and 100 feet, horizontal distance, from the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland?
_____ Sq. Ft.

D. What is the square footage (floor space) of the proposed expansion of your structure(s) or the portion of your structure(s) that is located between 75 feet and 100 feet, horizontal distance, from the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland? _____Sq. Ft.

See Instructions page 11 #28 for square footage measurement requirements.

29. Expected start date:_____

30. Expected completion date: _____

31. Recommendation:

The Applicant is advised to read the Town of Fayette Land Use Ordinance and consult with the Code Enforcement Officer and appropriate agencies to determine if other additional permits, approval and reviews are required before the Application will be declared complete and ready for Planning board consideration.

32. Certification of Information:

I certify that all information given in this Application is accurate and truthful. All proposed uses shall be in conformance with this Application and with the Town of Fayette Land Use Ordinance.

I understand that a building permit will be issued only on the condition that all material representations made by this applicant are true. I also understand that the Planning Board may revoke or amend this permit if, after a hearing, it concludes that a material representation was inaccurate or missing.

I agree to future inspections by the Code Enforcement Officer and / or Planning Board members at reasonable hours.

Applicant signature

Date

Other Applicant signature (if applicable)

Date

Owner signature (if other than Applicant)

Date

Agent signature (if applicable)

Date

Instructions to help you to complete Application correctly
Please complete all areas of Application

1. **Applicant(s):** full names of all applicants.
2. **Mailing address:** The address where all documents are to be mailed.
3. **Applicant's tel. #:** Contact person's telephone number.
4. **Applicant's E-mail address.**
5. **Property owner(s):** Names of all property owners. If same as #1, write Same.
6. **Owner(s) address:** Address(s) of all property owner(s). If same as #2, write Same.
7. **Owner(s) Telephone #:** if same as #5, write Same.
8. **Owner's E-mail Address:** if same as #4, write Same.
9. **Contractor / Agent:** Name of person / agency representing Applicant. If self, write Self.
10. **Contractor / Agent Address:** Address of person / agency representing Applicant. If self, write Self. **Certification number** - needed if earth-moving in Shoreland Zone.
11. **Contractor / Agent Tel. #:** Telephone number of Contractor/Agent. If self, write Self.
12. **Contractor / Agent E-mail address.** If same as #4, write Same.
13. **Location/Address of property:** If no address, give street name(s).
14. **Tax map pages & Lot #:** Consult tax map in Town Office. This information can also be found on your property tax bill.
15. **Land Use District (Resource Protection, Stream Protection, Wetland Protection, and / or Shoreland).** If necessary, consult w/ CEO.
16. **Lot area Sq. Ft. –** If your lot is square or rectangular, measure the length of one side line of the lot, then measure the length of one end of the lot, then multiply the two measurements to get the total square footage.
If your lot has an irregular shape, add together the length of both sides & divide by 2; add together the lengths of both ends & divide by 2; then multiply the two measurements (dividends) to get the square footage.
17. **Measurements of property dimensions in feet:**
 - 17 a): **Dimensions on rear:** Measure the horizontal straight-line distance between the intersections of the side lot lines with the road right-of-way.
 - 17 b): **Dimensions on sides** - Measure the length in a straight line between intersections of the lot lines of the road with the shoreline.
 - 17 c): **Dimensions on front (Waterbody) (Ft.)** - For a lot bordering on a waterbody or wetland, measure the length in a straight line between intersections of the lot lines with the shoreline.
18. **Height of Structure after Completion:** Measure the vertical distance between the average original grade (prior to construction) at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

20. Sq. Ft. of Lot to be covered by Non-vegetative Surfaces: These are all of the impervious areas that include all buildings, all structures, all roads & driveways and any other non-vegetated areas.

21. Current Use of Property: Some examples include, but are not limited to: single family dwelling, duplex, multi-family dwelling, manufactured housing (modular or trailer), storage facility (shed), office building, store, manufacturing/processing facility. **Indicate whether seasonal or permanent dwelling.**

22. Proposed Use after Completion: Refer to examples in #23 above.

23. Estimated Cost of Construction: Indicate estimated contract price or, if using own labor, indicate the estimated cost of all materials.

24. Please describe, in detail, the work to be done for your proposed project: Indicate if you are converting a residence from a seasonal to year- round use. Describe the exact position of proposed structure(s) and their uses with accurate setback distances from the shoreline and from the side & rear property lines (include decks, porches and all outbuildings). Describe the location of property markers (pins, bars, fences), proposed wells, septic systems, drainage ways, erosion & storm water control measures, road(s), driveways, parking areas. Include the areas & the amounts to be filled and graded. Describe areas to be cleared of trees & other vegetation, including proposed open spaces, landscaping, paths. If the proposal is for expansion of an existing structure please distinguish between the existing structure and the proposed expansion. If some items are difficult to describe in writing, on the graph paper on page 3, supplement your written description with a sketch of the proposed plan. Sketch the lot lines and give the exact measurement, in feet, of each line. Please include all areas requested above.

25. Scaled drawing if required by the CEO: including, but not limited to all of the items required in #26 above. Indicate direction of NORTH.

26. Photos: Please provide photos showing the existing structure (or the vacant lot where the proposed structure is to be built). Then, superimposed on the photograph, using a magic marker, draw the proposed structure(s). On additional paper it would help if you could include additional photos that could aid the Planning Board to gain an accurate sense of your property and proposal.

27. Standard Conditions of Approval for Resource Protection, Wetland, and Shoreland Districts: Please read carefully and plan your project accordingly. Most or all of the conditions may apply to your project. Prior to declaring your application complete, the Code Enforcement Officer will be reviewing this section with you to assure that your proposed project complies with these conditions.

28. Building Permits Involving Non-Conforming Conditions:

Measuring square footage of your structure must include **all** floor space on **all** levels except for the basement.

If your property fails to conform to any of the current requirements of the Land Use Ordinance, it may not be altered so as to increase the non-conformity. E.g. Many of the current requirements are set forth in the Dimensional Table in the Land Use Ordinance (Article 7, Section 6B). Include all structures. If your proposed structure(s) or any part of your proposed structure(s) is located between 25 feet to 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum total square footage allowed is 1,000 square feet.

If your proposed structure(s) or any part of your proposed structure(s) is located between 75 feet to 100 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum total square footage allowed is 1,500 square feet.

No structure within the first 100 feet from the waterline may exceed 1,500 Sq. Ft. of floor space.

29. Expected Start Date; Please give the month and year you expect to begin your project.

30. Expected completion date: Please give the month and year you expect your project to be completed.

31. Recommendations: Please check to determine if other additional permits, approval and reviews are required before the Application will be declared complete and ready for Planning Board consideration.

32. Certification of Information: The applicant and agent and owner(if applicant is not the property owner) must read and sign.

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

	Resource Protection	Wetland District	Stream Protection	Shoreland	Rural	Rural Growth
Lot Size (Note # 1)	1 acre	2 acres	1 acre	1 acre	2 acres	1 acre
Road Frontage	150 feet	200 feet	150 feet	150 feet	200 feet (see B.8., below)	200 ft
Road Setback (ft.) (Note #3)	50/75	50/75	50/75	50/75	50/75	50/75
Side Setback	15 feet	15 feet	15 feet	15 feet	25 feet	15 feet
Rear Setback feet	15 feet	15 feet	15 feet	15 feet	25 feet	15 feet
Maximum Building Height (Note #4)	*	*	*	*	35 feet	35 feet
(See Note 4 [a,b,c,d & f])						
Shore Frontage (Note # 2)	200 feet	200 feet	200 feet	200 feet	N/A	N/A
Shore Setback (note #5)	250 feet	100 feet	75 feet	100 feet	N/A	N/A
Maximum Impervious Area (Note # 6)	20%	20%	20%	20%	35%	50%

NOTES

1. The minimum lot size for any Commercial, *Institutional*, or Government structure located in a Shoreland, Stream Protection, Wetland and Resource Protection