

1998 ANNUAL TOWN MEETING WARRANT

Androscoggin, s.s.

State of Maine

To Alden P. Peterson, a resident of the Town of Greene, in the county of Androscoggin,

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Greene, in said county, qualified by law to vote in town affairs, to meet at the Municipal Office Building, in said Town, on Friday the 6th day of March, A.D. 1998 at 1:00 o'clock in the afternoon, then and there to act on Articles 1 and 2.

And to notify and warn said voters to meet at the Greene Central School Gymnasium in said Town, on Saturday, the 7th day of March, A.D. 1998 at 9:00 o'clock in the forenoon to then and there to act on Articles 3 through 85.

Article 1: To elect a moderator to preside at said meeting.

Article 2: To elect all necessary officers:

- a) Three Selectman position includes Assessor and Overseer of Poor position
 - Three Years (2 positions)
 - One Year (1 Position)
- b) One position for MSAD #52 School Board Director for three Years.

The polls for voting on Article 2 will open at 1:00 o'clock in the afternoon and will close at 7:00 o'clock in the evening.

Article 3: To choose one member of the Ella Augusta Thompson Committee.

Article 4: To choose one member of the Julia Adams Morse Library Committee.

Article 5: To choose a Budget Committee for the ensuing year.
Selectmen recommend: Eight Members and Selectmen Chairman (or designee).

Article 6: To choose one (five year) and two (one year alternate) members of the Planning Board.

Article 7: To see if the Town will vote to authorize the Municipal Officers to spend an amount not to exceed 3/12ths of the budgeted amount in each budget category of the 1998 annual budget, except Winter Roads, during the period from January 1, 1999 to the 1999 annual town meeting. Winter Roads Budget with can be expend up to 6/12ths during the period from January 1, 1999 to the 1999 annual town meeting.

Selectmen & Budget Committee recommend: Accept as read.

Article 8: To see if the Town will vote to set July 13, 1998 as date of commitment for Real Estate and Personal Property Taxes.

Selectmen recommend: Accept as read.

Article 9: To see if the Town will vote to allow a discount of 5% on real estate and personal property taxes paid in full thirty (30) days from the date of tax commitment, August 12, 1998 no later than 5:00 p.m. (postmarks will not be accepted) to the Tax Collector and raise and/or appropriate for that purpose.

Selectmen and Budget Committee recommend: Accept as read.

Article 10: To see if the Town will set a date and fix a rate of interest to be charged on real estate and personal property taxes unpaid after said date.

Selectmen and Budget Committee recommend: 10.75% per annum interest on all real estate and personal property taxes paid after September 11, 1998 at 5:00 p.m. (Postmarks will not be accepted).

Article 11: To see if the Town will authorize the Selectmen and the Tax Collector to "Write-off" uncollectible personal property taxes to surplus, as recommended by the Auditor.

Selectmen recommend: Accept as read.

Article 12: To see if the Town will authorize the Selectmen on behalf of the Town to sell and dispose of any real estate acquired from non-payment of taxes, the Selectmen may sell at a public auction or by sealed bids after advertising for 30 days on Channel 4 and in the newspaper(s) with option for owner to quick claim deed for payment of all back taxes, interest and costs due prior to the date of advertising.

Selectmen recommend: Accept as read.

Article 13: To see if the Town will vote to authorize the Selectmen to dispose of any Town-owned personal property with a value of \$500 or less after advertising on Channel 4 and in local newspaper.

Selectmen & Budget Committee recommend: Accept as read.

Article 14: To see if the Town will permit the Tax Collector to accept payment of real estate and property taxes prior to the date of commitment of the real estate and personal property taxes to the Tax Collector and to pay no interest on such prepayments.

Selectmen recommend: Accept as read.

Article 15: To see if the Town will vote to set a rate of interest for overpayment of real estate and personal property taxes.

Selectmen & Budget Committee recommend: 8% interest per annum.

Article 16: To see if the Town will vote to set an interest rate to be paid by the Town on abated real estate and personal property taxes at 8% per annum for the fiscal year.

Selectmen & Budget Committee recommend: Accept as read.

Article 17: To see if the Town will vote to appropriate dollars out of the money received from the registration of snowmobiles to the Greene Dragons Snowmobile Club for the purpose of maintaining their snowmobile trails, to be open to the use of the public at all times, and to authorize the Municipal Officers to enter an agreement with the Club, under such terms and conditions as the Municipal Officers may deem advisable, for that purpose, to whatever type of vehicle the landowner will allow on his property.

Selectmen & Budget Committee recommend: Accept as read.

Article 18: Shall an ordinance entitled Town of Greene - Land Use Ordinance be amended?
(Recommended Changes Version)

Selectmen recommend: Accept as read

Article 19: Shall an ordinance entitled Town of Greene - Land Use Ordinance be amended?
(Clarification Version)

Selectmen recommend: If Article 17 passes, pass over. If Article 17 does not pass, accept as read.

Article 20: Shall an ordinance entitled "Town of Greene - Transfer Station Ordinance" be amended?

Selectmen recommend: Accept as read.

Article 21: Shall an ordinance entitled "Town of Greene - Planning Board Ordinance" be enacted?

Selectmen recommend: Accept as read

Article 22: To see what sum of money, if any, the Town will vote to raise and/or appropriate for the Greene Historical Society. (Request \$500)

Selectmen and Budget Committee recommend: Leave to the Voters.

Article 23: To see what sum, if any, the Town will vote to raise and/or appropriate for the purchase of development a Comprehensive Plan for the Town.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$19,000

Article 24: To see if the Town will form a committee to oversee the construction of a new Comprehensive Plan for the Town.

Selectmen recommend: Form committee comprised of the following:

1. Four (4) members elected on Town Meeting Floor
2. Four (4) members appointed by Selectmen
3. One (1) Selectmen's representative

Article 25: To choose four (4) members of the Comprehensive Planning Committee. (If Article 24 fails, pass over)

Article 26: To see what sum, if any, the Town will raise and/or appropriate to add to the already established Capital Reserve Fund. (Balance as of 12/31/97: \$31,206.27)

Selectmen & Budget Committee recommend: Raise \$50,000. (Encumber fund and interest to remain in the fund. Expended only upon Town Meeting approval.)

Article 27: To see what action the Town wishes to take in regards to paid holidays for full-time employees:

Currently: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Veteran's Day, Thanksgiving, Day after Thanksgiving, Christmas and Floating Holiday.

Selectmen & Budget Committee recommend: Accept as read.

Article 28: To see what action, if any, the Town wishes to take in regards to paid vacations for full-time hourly employees:

Currently: 1 year/1 week; 2 years/2 weeks, 8 years/3 weeks

Selectmen & Budget Committee recommend: Accept as read.

Article 29: To see what sum, if any, the Town will vote to raise and/or appropriate for Selectmen's Salaries.

Selectmen recommend: \$2,500 per year/per Selectmen.

\$3,000 per year/per Selectman Chairman

Budget Committee recommend: \$2,500 per year/per Selectman.

Article 30: To see what sum, if any, the Town will vote to raise and/or appropriate for Administrative Wages Account for the ensuing year.

	Selectmen's Recommendation	Budget Committee Recommendation
Town Manager inc. benefits not to exceed:	\$36,200	\$36,200
Two Ass'ts Town Manager not to exceed:	\$41,100	\$41,100
Part-time Office Help not to exceed:	\$11,800	\$11,800
Five Selectmen not to exceed:	\$13,000	\$12,500
Health Officer not to exceed:	\$ 300	\$ 300
Code Enforcement Officer:	\$ 6,240	\$ 6,240
Assist. Plumbing Inspector	\$ 3,200	\$ 3,200

Selectmen recommend: Raise and/or appropriate \$111,840

Budget Committee recommend: Raise and/or appropriate \$111,340.

Article 31: To see what sum, if any, the Town will vote to raise and/or appropriate for the Administrative Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$32,850.

Article 32: To see what sum, if any, the Town will vote to raise and/or appropriate for the Mileage Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$1,750.
(All @ \$.25 per mile)

Article 33: To see what sum, if any, the Town will vote to raise and/or appropriate for Computer Expense Account for the ensuing year.

Selectmen and Budget Committee recommend: Raise and/or appropriate \$12,750.

Article 34: To see if the Town will vote to raise and/or appropriate money for the County Tax for the ensuing year.

Selectmen & Budget Committee recommend: Accept as read.

Article 35: To see what sum, if any, the Town will vote to raise and/or appropriate for Hired Assessing for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$22,300.

Article 36: To see what sum, if any, the Town will vote to raise and/or appropriate for Fire Protection Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$23,000.

Article 37: To see what sum, if any, the Town will vote to raise and/or appropriate for the Emergency Management Account for the ensuing year.

Selectmen recommend: Raise and/or appropriate \$2,200.

Budget Committee recommend: Raise and/or appropriate \$2,700.

Article 38: To see what sum, if any, the Town will vote to raise and/or appropriate for Summer Road Maintenance Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$154,950.

Article 39: To see what sum, if any, the Town will vote to raise and/or appropriate for Winter Road Maintenance Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$92,000.

Article 40: To see if the Town will vote to authorize the Selectmen to overdraft the Winter Roads Maintenance Expense Account if needed.

Selectmen & Budget Committee recommend: Overdraft this account up to 10 % with funding from Surplus Funds.

Article 41: To see what sum, if any, the Town will vote to raise and/or appropriate for 1998 Ice Storm Expense for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$50,000.

Article 42: To see what sum, if any, the Town will vote to raise and/or appropriate for Tarring Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$ 152,700.

Article 43: To see what sum, if any, the Town will vote to raise and/or appropriate for Equipment Repair Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$35,000.

Article 44: To see what sum, if any, the Town will vote to raise and/or appropriate for Equipment Purchase Expense Account for the ensuing year.

Selectmen recommend: Raise and/or appropriate \$4,200.

Budget Committee recommend: Raise and/or appropriate \$2,500

Article 45: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Animal Control Officer Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and appropriate \$3,500.

Article 46: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Animal Control SPCA Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$2,450.

Article 47: To see what sum, if any, the Town will vote to raise and/or appropriate for Transfer Station Operational Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$145,700.

Article 48: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Septic Waste Disposal Contract Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise \$200.

Article 49: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Town Insurance Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$30,830.

Article 50: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Employee Health Insurance Expense Account for the ensuing year.

Pay employee's share & 50% of dependent coverage for health. Pay employee's share and 25% of dependent coverage for dental. To be voted on at each Annual Town Meeting.

Selectmen and Budget Committee recommend: Raise and/or appropriate \$25,000.

Article 51: To see what sum of money, if any, the Town will vote to raise and/or appropriate for FICA Insurance Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$18,000.

Article 52: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Unemployment Compensation Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$4,500.

Article 53: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Utilities Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$32,000.

Article 54: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Building Maintenance Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$2,750.

Article 55: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Legal Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$20,000.

Article 56: To see what sum of money, if any, the Town will vote to raise and/or appropriate for purchasing books for the Julia Adams Morse Library for the ensuing year.

Selectmen & Budget Committee recommend: Raise \$2,500.

Article 57: To see what sum of money, if any, the Town will vote to raise and/or appropriate for the Operations of the Julia Adams Morse Library for the ensuing year.

Selectmen & Budget Committee recommend: Raise \$11,981.28.

Article 58: To see if the Town will vote to accept the money received from the state for Library Capital be given to the Julia Adams Morse Library for the ensuing year.

Selectmen & Budget Committee recommend: Accept as read.

Article 59: To see what sum, if any, the voters in the Town of Greene will vote to raise and appropriate for the purchase of the parcel of land adjoining the Julia Adams Morse Memorial Library from Mary Hanscom.

Selectmen & Budget Committee recommend: Raise and appropriate \$11,000 and follow the guidelines set forth by the Hanscom Family.

(Note: \$10,000 for the purchase of land and \$1,000 for legal work for the transaction)

Article 60: To see what action, if any, the Town will vote to take for the purpose of constructing an addition to the Julia Adams Memorial Library.

Selectmen Recommend: Leave it to the Voters

Article 61: To see what the Town wishes to do with the Town of Greene's proceeds from the sale of Leavitt Institute Building. (\$11,792.21)

Selectmen & Budget Committee recommend: Use \$11,000 of this amount to assist in funding the Julia Adams Morse Library land purchase and \$ 792.21 to be applied to the Greene Bicentennial Scholarship Fund.

Article 62: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Planning Board Expense Account for the ensuing year.

Selectmen and Budget Committee recommend: Raise and/or appropriate \$4,000.

Article 63: To see what sum of money, if any, the Town will vote to raise and/or appropriate for the purpose of membership with the Androscoggin Valley Council of Governments.

Selectmen and Budget Committee recommend: Raise and/or appropriate \$2,400.

Article 64: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Appeals Board Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$1,925.

Article 65: To see what sum of money, if any, the Town will vote to raise and/or appropriate for General Assistance Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$10,000.

Article 66: To see what sum of money, if any, the Town will vote to raise and/or appropriate for 1998 Ice Storm Emergency Food Assistance for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$30,000.

(This amount is 100% reimbursed from the State Department of Human Services)

Article 67: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Town Records Preservation Account for old Town books.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$3,000.

Article 68: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Cable Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$13,152.16

Article 69: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Conservation Commission Expense Account for the ensuing year.

Selectmen and Budget Committee recommend: Raise and/or appropriate \$9,240.

Article 70: To see if the Town will allow the Conservation Commission to spend the logging revenue from the Recreational Park in entirety on a number of projects for the site. These funds will be encumbered until such time as the funds are exhausted or the projects are completed. Any excess of funds will be returned to this encumbered account.

Projects for funding include:

1. Expansion of Baseball field to meet soccer requirements
2. Picnic area constructed
3. Development of a Nature Trail
4. Basketball court in former horseshoe pits

Selectmen recommend: Leave to voters

Budget Committee recommend: Accept as Read

Article 71: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Tax Discount Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$88,000.

Article 72: To see if the Town will vote to authorize the Selectmen to overdraft the Tax Discount Expense Account as needed.

Selectmen & Budget Committee recommend: Accept as read with funding coming from Surplus funds.

Article 73: To see what sum of money, if any, the Town will vote to raise and/or appropriate for the Interest Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$500.

Article 74: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Lien Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$4,000.

Article 75: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Cemetery Care Expense Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$2,000.

Article 76: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Charities Account for the ensuing year.

	1997 Expend.	Amount Of Request	Selectmen Recomm.	Bud. Com. Recomm.
Abused Woman Advocacy	200.00	1000.00	200.00	200.00
American Red Cross	250.00	1162.50	250.00	250.00
Child Health Center	250.00	500.00	250.00	250.00
Community Concepts	250.00	2245.00	400.00	400.00
Catholic Charities Maine	100.00	500.00	0.00	0.00
RCAM	3300.00	3300.00	3300.00	3300.00
Sexual Assault Center	100.00	500.00	100.00	100.00
Tri County Mental Health	0.00	1519.00	250.00	250.00
W Area Agency on Aging	500.00	1161.00	500.00	500.00
White Dove Food Agency	3500.00	3500.00	3500.00	3500.00
Head Start	150.00	150.00	150.00	150.00
Advocacy for Children	250.00	250.00	250.00	250.00
Big Bro/Big Sister	0.00	500.00	0.00	0.00
Pine Tree Transit	0.00	1500.00	0.00	0.00
Totals	\$8850.00	\$17787.50	\$9150.00	\$9150.00

Selectmen & Budget Committee recommend: Raise and/or appropriate \$9150.

Article 77: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Memorial Day Flags Account for the ensuing year.

Selectmen & Budget Committee recommend: Raise and/or appropriate \$250.

Article 78: To see what sum of money, if any, the Town will vote to raise and/or appropriate for Youth Athletics Expense Account for the ensuing year.

Selectmen recommend: Raise and/or appropriate \$2,688.72.

Budget Committee recommend: Raise and/or appropriate \$2,700.

Article 79: To see what sum of money, if any, the Town will vote to raise and/or appropriate to fund the Bicentennial Scholarship Fund. (Requested \$1,000.)

Selectmen recommend: Raise and/or appropriate \$1,000.

Budget Committee recommend: Raise and/or appropriate \$2,792.21.

Article 80: To see what sum of money, if any, the Town will vote to raise and/or appropriate to fund the Allen Pond Monitoring Project. (Requested \$1,825.)

Selectmen and Budget Committee recommend: Raise and/or Appropriate \$1,825.)

(Note: This amount constitutes the balance of the 1997 appropriation.)

(Note: The Conservation Commission recommends raising \$1,825 to protect our Town's water resources and in the long term to preserve our tax base.)

Article 81: To see what sum of money, if any, the Town will vote to raise and/or appropriate to fund the Sabattus Pond Water Quality Assessment Program. (Requested \$700.)

Selectmen & Budget Committee recommend: Raise and/or appropriate \$700.

(Note: The Conservation Commission recommends raising \$700 to protect our Town's water resources and in the long term to preserve our tax base.)

Article 82: To see if the Town of Greene will vote to authorize the Municipal Officers to expend up to \$15,000 from Surplus for the purpose of replacing malfunctioning waste water disposal systems pursuant to 30-A MRSA 83428 and Dangerous Buildings pursuant to Title 17 ss 2851, but only after the Selectmen have exhausted all other avenues of funding. Any funds expended from Surplus Funds should be recovered by a special tax against any real estate as provided in 30-A MRSA ss 3428 (4) (B) and Title 17 ss 2853. Any such tax will be liened against real estate and interest will be charged at the annual rate, 60 days after commitment of said tax. A strict accounting will be maintained at the Town Office.

Selectmen & Budget Committee recommend: Accept as read.

Article 83: To see if the Town will vote to transfer Overlay and Excise tax balances after transfers to Surplus.

Selectmen & Budget Committee recommend: Accept as read

Article 84: To see what action the Town wishes to take in regards to balances for the past year, except those covered by State Law.

Selectmen & Budget Committee recommend: Lapse balances to Surplus

Article 85: To see what sum, if any, the Town will vote to use to reduce the total commitment

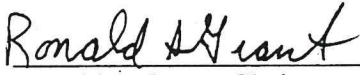
Board of Selectmen & Budget Committee recommend: \$885,770.64 from the following
revenue sources:

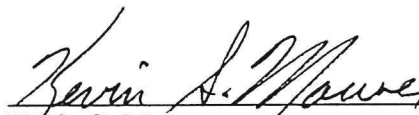
Revenues:	Surplus (Bal. Fwds)	207,122.25
	Excise	375,000.00
	Surplus	60,000.00
	Hwy Blk Grant	68,664.00* Tarring Account
	Projected Income	174,984.39
	Total:	\$885,770.64

Note: The Selectmen hereby give notice that the Registrar of Voters will hold office hours at the Greene Municipal Office on the day of said voting for the purpose of correcting the list of voters, from 12:00 o'clock in the afternoon until the polls close, and at the Greene Central School, the place of the meeting on Saturday, from 8:00 o'clock in the morning until the closing of said meeting. ALL VOTERS WILL BE REQUIRED TO REGISTER AT THE DOOR OF TOWN MEETING.

Given under our hands this 3 day of February, A.D. 1998 at Greene, Maine.

Board of Selectmen,


Ronald I. Grant, Chairman


Kevin S. Mower


Maurice E. Levasseur


Timothy S. Doyle


William B. Nickerson

A true copy of the Warrant,

Attest: _____
Alden Peterson, Resident

Return on the Warrant

Greene, Maine

February____, 1998

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at Greene Municipal Office, Greene Post Office, Greene Hardware, Mower's Market, Brule's Auto Clinic, Greene IGA, Landry's Quick Stop, and Mario's, in said town, being public and conspicuous places in said town, on the _____ of February, A.D., 1998, being at least seven days before the meeting.

Alden Peterson, Resident Town of Greene

And I have this day posted copy of the Land Use Ordinance (Recommendation Version)

Alden Peterson, Resident Town of Greene

And I have this day posted copy of the Land Use Ordinance (Clarifications Version)

Alden Peterson, Resident Town of Greene

And I have this day posted copy of the Transfer Station Ordinance.

Alden Peterson, Resident Town of Greene

And I have this day posted copy of the Planning Board Ordinance.

Alden Peterson, Resident Town of Greene

State of Maine
Androscoggin, s.s.

Then personally appeared before me the above-named Alden Peterson, known to me and sworn that the representations set forth in the above Return of the Warrant are true of his own knowledge: and acknowledged the signature thereon to be his, and that he executed the Return of his own free will [and who signed the above Return in my presence].

Date:

Sally Ann Hebert, Notary Public
My Commission expires 01/12/2003

Planning Board Ordinance

1. The Board shall consist of five (5) members elected to three (3) year terms. This process will take effect as each current Board member's terms expire. Anyone wanting to be elected to the Planning Board will be required to take out papers. (Same Procedure as running for Selectman).

Selectmen shall appoint two (2) associate members within the month of March. Associate members shall attend all meetings, participate in all discussions and will be allowed to vote. Associate member's terms expire at the next annual Town Meeting.

The Planning Board may by its own vote remove one of its members for just cause (i.e. unexcused absences, misconduct, etc.)

If an elected member cannot fulfill their term, the Selectmen will appoint the First Associate to complete that term. The Second Associate will then become the First Associate and a new Second Associate must be appointed by the Board of Selectmen.

If no one take out papers to run for the Planning Board, the Selectmen have the authority to appoint members to fill all vacant seats within thirty days of the annual Town Meeting

2. All members must be legal residents of Greene.

3. All members are eligible for re-election when their terms expire.

4. The Planning Board will hold its regular monthly meeting at 7:00 pm on the second Tuesday of each month at the Town Office building. Normal meeting time will be from 7:00 pm until the agenda times are completed, but no later than 10:00 pm. The board shall have the option to extend the meeting to complete the agenda if necessary, provided a conclusion can be reached within a short amount of time. If a speedy conclusion is not evident and/or agenda items remain, the meeting will be continued on the following Tuesday (third Tuesday of the month). No additional agenda items may be added.

The Planning Board, with seven (7) days public notice, may hold a special meeting to act on applications before the Board. All meetings must be held at the Town Office and must be open to the public.

5. The Planning Board will operate from a formal agenda. Any person wishing to place an item on the agenda has until three (3) weeks prior to the following month's meeting to do so by making such request in writing and delivering to the Town Office. The request, if not accompanied by an application, shall explain in detail the reasons for being placed on the agenda. The Agenda will be posted in the Town Office and a copy shall be sent to each Board member seven (7) days prior to the next scheduled meeting date.

6. At the beginning of each meeting, the Chairperson shall review the known agenda items are to be covered during the session to assist the Board in allocating its time.

7. Workshops, may be held from time to time, at the discretion of the Board. These workshops must be held at the Town Office, and must be open to the Public. No votes may be taken at any workshop. All workshops will be posted via public notice.

8. No meeting of the Board can be held unless a quorum is present.

9. No member with a conflict of interest or bias, may vote on a issue. If there is a questions as to whether a conflict of interest or bias exists, the Board will vote on where or not there is prior to voting on the issue, with the member in question abstaining.

10. If a vote results in a tie, the Board will consider that the motion in question has not received approval, therefore, interpreting the tie as a negative vote.

11. The Board shall elect a Chairperson, Vice-Chairperson, Secretary, and Treasurer annually, at the first meeting after the Town meeting.

12. The Code Enforcement Officer shall be present at all regular Planning Board Meetings as an ex-officia member, unless excused prior to the meeting by the Planning Board Chairperson.

Town of Greene Transfer Station Ordinance

This ordinance supersedes the "Town of Greene Landfill Ordinance", "Public Dumping Grounds for the Town of Greene" and "The Waste Processing and Disposal Ordinance" in their entirety.

- Article I. The Municipal Officers will designate certain areas Public Dumping Grounds where rubbish may be lawfully deposited.
- Article II. Until further notice, the only area in which rubbish may be deposited is the Public Transfer Station located at the intersection of Allen Pond Road and Quaker Ridge Road.
- Article III. The use of the Transfer Station is restricted to residents residing within the Town of Greene boundaries.
- Article IV. The Transfer Station shall not be used for stumps, rocks, dirt, fill, dead animals or fowl or manure of any kind. Junk vehicles, transmissions, engines, or parts will not be deposited. Hazardous waste, bricks, cement, hot or cold ash is not accepted. No commercially generated waste will be accepted at the facility. (*Commercially Generated Waste is defined as waste generated by stores, offices, restaurants, warehouses, vehicle repair shops and manufacturing/industrial activities*) Only Household generated waste will be accepted at the facility (*which includes waste from Home occupations, as defined by the Greene Land Use Ordinance.*)
- Article V. The Transfer Station will consist of the following areas:
- A. Regular Household Trash (Compactor)
 - B. White Metals and other Scrap Metals
 - C. Tires
 - D. Brush, Leaves, vegetation and other similar burnable materials.
(4" in diameter or smaller)
 - E. Construction/Demolition debris
 - F. Recyclable Area
 - G. Furniture
- Regular Household Trash must be bagged. Loose Trash is not permitted.
- Article VI. No dump pickers will be allowed on site without permission from the Board of Selectmen. For purposes of this ordinance, dump pickers shall mean anyone who tampers with or removes any article from the Transfer Station facility.
- Article VII. The days and hours of the Transfer Station will be regulated by the Board of Selectmen who shall have the power to change the schedule whenever necessary. To enter the facility and dispose of waste, the resident and/or property owner must have acquired a transfer station sticker/permit. This permit sticker may be acquired at the Town Office during normal working hours. This permit sticker is free, and a temporary permit may be obtained for resident having others take their trash to the facility. A note from the resident requesting their privileges be

conveyed to the member on a temporary basis must be presented at the Town Office upon request.

The Board of Selectmen shall also be authorized to change the fee schedule as market conditions necessitate.

Article VIII. In the spring and fall of each year, the Selectmen may authorize an Open Dump Day to coincide with Town of Greene Cleanup week. During these cleanup weeks, the Board of Selectmen will announce which items can and cannot be dumped at the Transfer Station.

Any refrigerator or appliance that contains Freon, with or without compressors, must have had the Freon removed by a qualified Freon remover and must have the state sticker affixed stating such removal has been completed prior to disposal at the Transfer Station.

~~Four tires per Greene registered vehicles may be deposited at the Transfer Station each year. This includes small commercial vehicles, (i.e. tires up to 16.5 inches). A tire disposal card may be acquired at the Town Office upon presentation of a valid vehicle registration. Vehicles must be registered in Greene. This card must be presented to the Transfer station Attendant who will punch out the number tires deposited.~~

~~Beyond this four tire exemption, All tire fees are set *by the Board of Selectmen*. Fees are payable at the Town Offices during normal working hours. A receipt for payment will be given to the Transfer Station Attendant prior to disposal.~~

Article IX. Within the Town of Greene, no person, company or corporation shall process, store, dump or bury liquid or solid waste generated outside the Town limits within the Town of Greene.

Metal salvage and usable fertilizer are exempt from this ordinance.

Nuclear waste deposits are prohibited within the Town of Greene.

Article X. In regard to Article I through VIII. Any person found guilty of violating these articles shall be subject to a fine of not more than \$1000 for each offense, and will be subject to all costs for rectifying this violation.

In regard to Article IX, any person, or organization found guilty of violating this article shall be subject to a fine of no more than \$2000 plus court and cleanup costs.

Adopted by Town Meeting Vote on 3/8/97
Amended by Town Meeting Vote on 3/7/98

Judy E. Biggar
Town Clerk/Town Manager

Attested to be a true copy
Judy E. Biggar, Town Clerk

Land Use Ordinance

Clarifications & Recommendations Version

GREENE LAND USE ORDINANCE

ARTICLE I

GENERAL

Section 1 AUTHORITY

This ordinance has been adopted pursuant to Article VIII-A, 2nd Part of the Maine Constitution and Title 30-A M.R.S.A. Section 3001.

Section 1.1 PURPOSE

The purpose of this Ordinance, made pursuant to the comprehensive plan for the development of the Town, is to promote the health, safety, and welfare of the residents of the Town, to protect the environment ~~adjoining the principal water bodies located within the Town~~ and to regulate the growth of the Town in an orderly manner so as to protect the essential[ly] rural character of the Town.

Section 1.2 EFFECTIVE DATE

The effective date of this Ordinance is March 3, 1979, *and the effective date(s) of any amendments hereto.*

Section 1.3 VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 1.4 NON-CONFORMANCE ~~NON-CONFORMING USES~~

1.4.1 Non Conforming Buildings, Structures

A. Buildings or structures on non-conforming lots may be altered, repaired, or improved *pursuant to Section 4.3 of this ordinance (Dimensional Requirements) and all other applicable provisions provided that any expansion does not increase any setback non-conformities.* ~~[Alterations of non-conforming uses shall meet the requirements of this ordinance.]~~

B. A non-conforming building or structure which is removed or damaged or destroyed by fire, lightning, wind or other natural disasters may be rebuilt in place provided that construction is commenced within one (1) year from the date of removal, damage or destruction and that the non-conformities are not further increased. ~~Buildings or structures on non-conforming lots, if destroyed by fire or act of God, may be reconstructed no larger than the original structure, if commenced within one year from date of destruction, or must be removed within one year from said date.~~

C. Non-conforming buildings or structures may be expanded upon as long as this expansion does not make said structure more non-conforming. Any addition to existing buildings or structures shall meet current set back requirements.

Section 1.4.2 NON CONFORMING USES

[A.] The Board of Appeals may also permit a non-conforming use, within one year of its discontinuance, to be changed to another non-conforming use when it finds that it would not be economically feasible to convert the property to conforming uses and that the use proposed would have less impact in terms of noise, odor, smoke, traffic, physical appearance and other similar conditions than the use presently existing.

Section 1.5 NON-CONFORMING LOTS OF RECORD

A. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provision of this ordinance except lot size and frontage can be met. Variances relating to set back or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals. This subsection shall not be deemed to require contiguous lots in a subdivision approved by the Planning Board and recorded after march 31, 1976 to be combined.

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

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

If two or more contiguous lots or parcels are in single ownership of record at the time of or since adoption or amendment of this ordinance, if any of these lots do not individually meet the dimensional requirements of this ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

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

~~A single lot of record which, at the effective date of this Ordinance, does not meet the dimensional requirements of the Ordinance, may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership and that all other provisions of this Ordinance regarding setbacks and State Statutes shall be met. The ownership requirement contained in this section shall be waived on subdivisions approved by the Planning Board since March 1976.~~

Section 1.6 AMENDMENTS

A. On written petition *of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election*, or on recommendation of the Planning Board, or on their motion, the Board of Selectmen may present warrants for consideration by the Town to amend, supplement, or repeal the regulations and provisions of this Ordinance.

B. *After a public hearing on proposed amendment(s), this Ordinance may only be amended by a majority vote of an Annual Town Meeting.*

Section 1.7 CREATION OF AN UNDERSIZED LOT

No lot may be subdivided or reduced in size in any manner unless each lot, so created, meets minimum area, frontage and setback provisions.¹

No right of way to serve a back lot shall be created pursuant to Section 4.4, so as to render a front lot non-conforming.

ARTICLE II

DIVISION INTO LAND USE DISTRICTS

Section 2.1 LAND USE DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Greene shall be divided into the following districts;

- A. Resource Protection (See Shoreland Zoning Ordinance)
- B. Limited ~~Residential~~ Recreational (See Shoreland Zoning Ordinance)
- C. *Limited Commercial (See Shoreland Zoning Ordinance)*
- D. *Stream Protection (See Shoreland Zoning Ordinance)*
- E. *Rural*

¹This section does not include the 225'250 diameter circle spacial requirement regarding undersized lots.

Section 2.2 DISTRICT BOUNDARIES

1. The Shoreland Zoning Ordinance imposed by the Board of Environmental Protection ~~and the Land Use Regulation Commission in 1974~~ **in 1993 and amended in 1996** for the Town of Greene consists of the Resource Protection and the Limited Residential-Recreational, **Limited Commercial and Stream Protection** Districts. **These Districts** and affect all land areas located within 250 feet from the normal high water mark of the Androscoggin River, Sabattus Pond, Allen Pond, Hooper Pond and Berry Pond, **within 250 feet, horizontal distance, of the upland edge of a freshwater wetland and within 75 feet, horizontal distance, of the normal high water line of a stream.**
2. The remaining land area of the Town shall be established as the Rural District.
3. The boundaries of these Districts are hereby established as shown on the official District Map.
4. Where uncertainty exists with respect to the boundaries of any district as shown on the map, the Board of Appeals shall determine the boundaries.

ARTICLE III

SHORELAND ZONING ORDINANCE

SEE Shoreland Zoning Ordinance as imposed by the Maine Department Bureau of Environmental Protection ~~and the Land Use Regulation Commission~~ for the Town of Greene, **1974 1993 and amended in 1996.**

ARTICLE IV

RURAL DISTRICT

Section 4.1 PURPOSE

To allow a maximum diversity of uses, while protecting the public health and safety, environmental quality and economic well-being and rural character of the community, by imposing minimum controls on those uses which, by virtue of their external effects (water discharge, noise, glare, fumes, smoke, dust, odors, or auto, truck or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions.

Section 4.2 PERMITTED USES

All uses subject to conformance with the standards of this Ordinance and provisions of Federal and State Statutes are permitted in the Rural District.

Section 4.3 DIMENSIONAL REQUIREMENTS

A. Lots in the Rural District shall meet or exceed the following minimum requirements:

Minimum Lot Size	80,000 square feet
Minimum Road Frontage	
on public or private road	250 feet continuous
Minimum Front Setback for all structures	35 feet
<i>(Measured from ROW)</i>	
Minimum Principal and Secondary Structure side and rear setbacks	25 feet
Minimum Accessory Building side and rear setbacks	10 feet

B. Corner lots and lots bounded by more than one road must meet front setbacks for all roads, and have at least 250' frontage on one road.

C. Lots shall be of sufficient size and shape to allow a circle having a diameter of **(225)** 250 feet to fit within their boundaries.

D. All secondary structures, such as garages, must meet the same setback requirements as the principal structure.

Section 4.4 USE OF BACK LOTS

All backlots to be used for principal structures shall be connected to the nearest **public or private** ~~[major street, highway or]~~ road by a 60 foot right-of-way, which right-of-way shall provide access to the lot owner(s) beyond. ***A backlot may be approved in a subdivision.***

No such right of way created by easement or any less than fee interest shall be counted toward road frontage, lot area or setback requirements for a front lot. Where a front lot is already nonconforming, no such right of way shall be created so as to render the front lot more non-conforming.

Section 4.5 PRINCIPAL **STRUCTURE** [BUILDING]

If more than one principal **structure** [building] is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building.

ARTICLE V

PERFORMANCE STANDARDS

Section 5.1 CAMPGROUNDS

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures.

Section 5.2 EROSION AND SEDIMENTATION CONTROL

All filling, grading, lagooning, dredging, earth-moving activities, and other land-use activities shall be conducted in such a manner to prevent to the maximum extent possible, erosion and sedimentation of surface waters, **in accordance with Maine Erosion and Sediment Control Handbook.**

Section 5.3 ROAD SPECIFICATIONS

1. For any roadway, **(public or private)**, there must be a right of way of at least sixty (60) feet in width
2. Minimum road construction standards will be as follows:
 - A. The top six (6) inches of all organic material is to be removed for the full width of the actual road base plus ditching.
 - B. The road base will consist of a minimum of eighteen (18) Inches of gravel, no stone being greater than six (6) inches in diameter, with a minimum road base width of twenty-four (24) feet.
 - C. The traveled way will be surfaced to twenty (20) feet in width, with crushed or screened gravel to a depth of four (4) inches. No stone in the traveled surface will have a diameter greater than two (2) inches.

- D. Shoulder width will be a minimum of two (2) feet on either side of the traveled way. The slope of the shoulders will be $\frac{1}{2}$ inch per foot. The road shall be suitably crowned @ $\frac{1}{4}$ " per foot.
- E. All ditching must be graded and seeded or otherwise stabilized. The ditching must be sufficient to handle the runoff of the area. Slope will be at a minimum of four (4) inches to the foot.
- F. If the proposed street or road shall contain any grade of ten per cent (10%) or greater, the applicant(s) shall also submit with the plan and written application a profile drawing showing:
 - 1. The scale of the profile, both horizontal and vertical.
 - 2. Proposed provision for ditching, culverts, bridges and for storm drainage with respect to natural waterways or contours.
- G. Adequate turnarounds (minimum of sixty [60] feet in diameter) must be part of any project that involves a temporary or permanent dead end.
- H. Any acceptance of a road by the Town will require that the road be brought up to current Town standards **by the applicants**, including paving, at owner and applicant expense and responsibility. Pavement shall be a minimum of hot plant mix bituminous pavement, grade B, applied at a uniform compacted thickness of two (2) inches, plus a one half ($\frac{1}{2}$) inch finish coat.

Section 5.4 MULTI-FAMILY DWELLING UNITS

Multi-family dwelling units (3 or more) shall meet the dimensional requirements of the District. Lots shall contain an additional 40,000 square feet for each additional unit beyond 2 units, and shall have an additional 100 feet frontage for each unit beyond 2 units. Front setbacks for Primary, Secondary and Accessory structures shall be 100 feet,, side and rear setbacks shall be 75 feet for Primary and Secondary Structures and 10 feet for Accessory Structures. Building height limited two stories above ground.

Section 5.5 OFF-STREET PARKING AND LOADING

No use of premises shall be authorized or extended and no building or structure shall be constructed or enlarged unless there is provided adequate off-street parking and loading facilities located entirely on the same lot as the building or use to be served.

Section 5.6 SANITARY PROVISIONS

No Building or Use Permit will be issued until all plumbing permits (if applicable) from authorized officials have been approved.

Section 5.7 SIGNS AND BILLBOARDS

All signs and billboards shall conform to State Statute.

Section 5.8 WATER QUALITY PROTECTION

No activity in connection with the use of any land or structure shall discharge or permit the discharge of any untreated or inadequately treated liquid, gaseous, or solid materials that run off, seep, percolate, or wash into surface or ground waters so as to pollute or harm such water, or cause nuisance such as objectionable shore deposits, floating or submerged debris, oil or scum, color, taste, or unsightliness, or to harm human, plant, or aquatic life.

ARTICLE VI

SITE PLAN REVIEW

Section 6.1 APPLICABILITY

A. All new development proposals for, as well as alterations, substantial enlargement, or change in use *of, or, to, commercial, retail, industrial and institutional building(s), structure(s), or uses and multi-family dwellings structures* consisting of three or more *dwelling* units and their accessory uses and structures *and resumption of uses that have been discontinued for two years that would require review if being newly established* are required to submit a Site Plan Review to the Planning Board before issuance of a Building or Use Permit. This article shall include subdivisions *as defined in Title 30-A, M.R.S.A. section 4401.*

B. This article does not apply to detached single family and two family dwelling units as well as **child care homes, home occupations, and** agricultural and forest management **practices activities.**

Section 6.2 SITE PLAN CONTENT AND APPLICATION PROCEDURES

1. The Site Plan of Development Application shall include as a minimum:
 - a. existing soil conditions as described by either a state licensed civil engineer or state licensed site evaluator.
 - b. an on-site soils investigation report by a Department of Human Services licensed Site-evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical subsurface disposal system for the site;
 - c. location of aquifers and aquifer recharge areas, if mapped.
2. A map or maps prepared at a scale of not less than one (1) inch to 40 feet and shall include:
 - a. name and address of the applicant or his/her authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest;
 - b. municipal tax maps and lot numbers and names of abutting landowners;
 - c. perimeter survey of the parcel made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage. Areas within 200 feet of proposed development site shall be included;
 - d. existing and proposed locations and dimensions of any utility lines, easements, drainage ways and public and private rights-of-way;

- e. location, ground floor area and elevations of buildings and other structures on parcels abutting the site;
- f. location and dimensions of on-site pedestrian and vehicular access way, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site on to public streets and curb and sidewalk lines;
- g. landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening;
- h. topography indicating contours at intervals of either 5, 10 or 20 feet in elevation as specified by the Planning Board.
- I. *The design of exterior materials of all proposed buildings and structures (this relates to Section 6.3.A 1&2)*
- j. *Traffic data including peak hour traffic to be generated by the proposal, existing traffic counts on surrounding roads and traffic accident data covering the most recent three-year period for which data is available (this relates to Section 6.3.A.3)*
- k. *The location, design and lighting of proposed signs. (this relates to Section 6.3.A.7)*
- l. *The location of all proposed exterior lighting. (this relates to Section 6.3.A.9)*
- m. *The type and location of water supply to be utilized. (this relates to Section 6.3.A.14).*
- n. *The location and nature of scenic sites, historic sites or rare and irreplaceable natural areas (this relates to Section 6.3.A.17)*
- o. *The location of freshwater wetlands. (Required by the Subdivision Law)*

p. *The location and elevation of the 100 year flood plain. (Required by the Subdivision Law)*

q. *If in a direct watershed of a great pond, a phosphorus control plan. (Required by the Subdivision Law)*

3. A written statement by the applicant that shall consist of:

- a. evidence by the applicant of his/her title and interest in the land for which the application covers;
- b. a description of the proposed uses to be located on the site, including quantity and type of residential units, if any;
- c. total floor area and ground coverage of each proposed building and structure and percentage of lot covered by each building or structure;
- d. summary of existing and proposed easements, restrictions and covenants placed on the property;
- e. method of solid waste disposal;
- f. An erosion and sedimentation control plan;
- g. copies of letters to the abutting landowners and town officials, such as selectman, road commissioner, and fire chief, notifying them of the proposed development;
- h. statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both;
- I. list of applicable local, state and federal ordinances, statutes, laws, codes and regulations such as, but not limited to, zoning ordinances, Great Ponds Act, the flood prone areas subject to the National Flood Insurance Act;

- j. the applicant's evaluation of the availability and suitability of off-site public facilities such as streets;
- k. a statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds, or provisions of fire protection services;
- l. verification that the proposed road or street construction will meet town specifications;
- m. an estimate of the date when construction will start and when the development will be completed.
- n. *the name, registration number and seal of the land surveyor, architect, engineer and/or other s who prepared or assisted in the preparation of any plan(s) or assisted in the preparation of the application.*

B. APPLICATION PROCEDURE

1. The application shall be filed with the Planning Board for review and accompanied by a fee as follows for processing the application:

Change of Use	\$	25.00 75.00
Site Review	\$	25.00 75.00
Subdivisions	\$	100.00 Application Fee
Plus,	\$	50.00 Per lot
Multifamily, Condominiums, Apartments, and Trailer Mobile Home Parks and Campgrounds.	\$	100.00 Application Fee
Plus,	\$	50.00 Per Unit

Within 30 days of the **filing receipt** of an application **by the Planning Board**, the Planning Board shall notify the applicant in writing either that the application is complete or that specific additional material is needed to make **the application complete**. ~~a complete application. No application shall be considered complete nor shall any application be in order for review or approval if~~

the subject parcel is known to be in violation of any ordinance
After the Planning Board has determined that a complete application has been filed, it shall notify the applicant in writing and begin its review of the proposed development.

2. The Planning Board may hold a public hearing within 30 days of their filing of the completed application. The Planning Board shall publish the time, the date and place of hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified of the hearing. Public hearings by the Planning Board shall be conducted according to the procedure outlined in Title 30, M.R.S.A., Section 2411, Subsection 3 (A), (B), (C), (D), and (E).

3. Within 30 days of the public hearing or 60 days of receiving ~~the~~ **a complete** application, the Planning Board shall either approve, approve with conditions or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

4. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

Section 6.3 REVIEW STANDARDS

A. The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved, unless in the judgement of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include presenting evidence necessary to complete the application. In the event that the town requires more information or technical evaluation, it shall be funded at the applicant's expense.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state in so far as practicable by minimizing tree removal, disturbance of soil and retaining existing vegetation during construction. The lot shall be landscaped in order to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land use.

8. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

9. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties.

10. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

11. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

12. Will not result in undue water pollution. In making this determination, it shall at least consider the elevation of land, and its relation to the flood plains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other D.E.P. approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge areas; the availability of streams for disposal of surface run-off; and the applicable federal, state and local laws, ordinances, codes and regulations.

13. Will not result in undue air pollution. In making this determination, it shall consult federal and state authorities to determine applicable air quality laws and regulations.

14. Has sufficient water available for the reasonably foreseeable needs of the development.

15. Will not cause unreasonable soil erosion or reduction in the capability of the land to hold water so that a dangerous or unhealthy condition may result.

16. Will provide for adequate sewage waste disposal.

17. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

18. The applicant has adequate financial and technical capacity to meet the above standards.

19. Whenever situated in whole or in part, within 250 feet of any pond, lake or river will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

20. *In addition to the above standards the Planning Board when reviewing a subdivision shall consider and make a positive finding that the review criteria contained in Title 30-A M.R.S.A. Section 4404 have been met.*

Section 6.4 GENERAL PROVISIONS

A. The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and would not adversely affect the abutting landowners and the general health, safety and welfare of the town. *If an approval by the Planning Board is based in part on the granting of a waiver of a performance standard that fact shall be expressly noted on the face of the final plan.*

B. *The Planning Board may require the filing of a performance bond or the execution of a conditional agreement with the municipality by the applicant to assure compliance with the site plan approval. When a performance bond is required by the Planning Board, the Board of Selectmen must approve the terms of the Bond.* ~~[The Planning Board may require the filing of a Performance Bond or the execution of a conditional agreement with the municipality by the applicant.]~~

C. All construction performed under the authorization of a building permit issued for development within the scope of this Ordinance shall be in conformance with the approved site plan.

D. Additional Studies. *The Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the ordinance is met. The costs of all such studies shall be bore by the applicant.*

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION 7.1 BUILDING OR USE PERMIT REQUIRED

A. Prior to construction of a building exceeding 100 sq. ft. in floor area or the initiation of any use covered in Section 6.1, or changing the size or shape of an existing building, a Building or Use Permit shall be required. The provisions of this section shall apply to new constructions, house trailers, and/or mobile homes set up after March 7, 1990, additions and relocation of any dwelling or part thereof, and swimming pools.

1. This section shall be administered by the Building Inspector who shall be appointed by the municipal officers.
2. The Building Inspector shall inspect all dwellings being constructed or relocated for the purpose of enforcing the provisions of this ordinance and all other local and State laws governing the construction of buildings.
3. The Building Inspector, or his/her assistant, in performance of his/her duties, may enter any building for the purpose of making the inspection required by this section.

B. The application for the permit shall be in writing and shall be made in such form as the building inspector shall prescribe, and shall contain a description of the proposed new or relocated building. A copy of the current State form for soil evaluation tests must accompany the application. The soil evaluation test must meet the minimum State of Maine standards and must be performed by a licensed soil evaluator. No building permit shall be issued without this soil evaluation test. **A copy of the application** shall be filed with the Board of Assessors.

C. No Building **Permit** or **Change of Use Permit** for a building or use shall be issued until the proposed use or construction or alteration of a building complies in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board pursuant to this Ordinance. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact location

and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.

D. **No Building Permit or Change of Use Permit** shall be issued without payment of applicable fees.

E. **Building permits or Change of Use Permit** shall only be issued to the owner of Record or his/her authorized agent.

F. Within seven days of the filing of an application for a Building Permit or Change of Use Permit, the Building Inspector shall approve, deny or refer the applicant to the Planning Board. His/her decision shall be in writing on a form designated for the purpose, and communicated directly to the applicant. One copy of the Building Inspector's decision shall be filed in the Municipal Office.

G. Applications for permits with their accompanying plans and Building Permit shall be maintained as a permanent record by the Building Inspector. **Application plans filed with the Planning Board shall be maintained as a permanent record by the Planning Board and need not be maintained by the Building Inspector.**

H. **A Building Permit or Change of Use Permit** secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or **change of use** is not substantially completed within two years of the date on which the permit is granted.

Section 7.2. PLUMBING PERMIT REQUIRED

No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid State Plumbing Permit has been secured by the applicant or his/her authorized agent.

Section 7.3 VIOLATION, ENFORCEMENT AND FINES

A. Violation and Enforcement: The Building Inspector, *Code Enforcement Officer, Board of* Selectmen or the appropriate municipal officials upon a finding that any provision of this Ordinance or the condition(s) of a permit issued under this Ordinance is being violated are authorized to institute legal proceedings to enjoin violations of this Ordinance. Any dwelling constructed or work performed in violation of the provisions of this Ordinance shall be considered a nuisance.

B. *CONSENT AGREEMENTS:* The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and collecting fines without court action.

C. *LEGAL ACTIONS:* When the above action does not result in the complete correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the *Code Enforcement Officer*, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and imposition of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the municipality.

D. FINES: A person who violates the provisions of this Ordinance or the condition(s) of a permit shall be guilty of a civil violation and on conviction shall be fined not less than \$15 nor more than \$100. Each day such violation continues shall constitute a separate violation. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the municipality. If the fines, penalties and costs imposed by **30-A, M.R.S.A., ss 4452** are more stringent they shall apply. Persons failing to obtain a Building Permit prior to the start of construction shall be subject to the above fines.

ARTICLE VIII

REVIEW BY THE BOARD OF APPEALS

Section 8.1 BOARD OF APPEALS

A Board of Appeals is hereby established in accordance with 30-A M.R.S.A., ss 2691 . The Board shall consist of five members appointed by the Selectmen in accordance with 30-A M.R.S.A. ss 2691. The Board shall process appeals in accordance with 30-A M.R.S.A., ss 4353 and the provisions of this section.

Section 8.2 POWERS AND DUTIES OF BOARD OF APPEALS

A. Administrative Appeals: to consider alleged error(s) in procedures by the Building Inspector or Planning Board in the administration or enforcement of this Ordinance.

B. Variance Appeals: to consider, in specific cases where a relaxation of terms of this Ordinance would not be contrary to the public interest and intent of this Ordinance and where, owing to unique conditions of the property and not the results of the actions of the applicant, literal enforcement would cause undue hardship.

1. The crucial points of variance are undue hardship and unique circumstances applying to the property. Both of these elements must be present to grant a variance.
2. A variance is only authorized for area and dimensional requirements of this Ordinance.

C. Further Appeal: any aggrieved party may appeal to the Superior Court.

Section 8.3 APPEAL PROCEDURES

A. Filing: Appeals shall be filed with the Town Clerk not more than 30 days after receiving the notice of said action. A filing fee of \$75.00 shall accompany the appeal which shall be submitted on forms approved by the Board of Appeals.

B. Hearing

1. The Board of Appeals shall, before taking action on any appeal, hold a public hearing on the appeal within 30 days. The Board of Appeals shall notify the Selectmen, Building Inspector, and Planning Board, at least 20 days in advance, of the time and place of the hearing.
2. The Board of Appeals shall also publish the time, date and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation.
3. The Board of Appeals shall notify, by certified mail, the owners of the property abutting the property for which the appeal has been filed at least 10 days in advance of the hearing. The notice shall include the nature of the appeal, and the time and place of the hearing.
4. Within 20 days of the hearing, the Board of Appeals shall reach a decision on the appeal and shall inform the appellant, The Planning Board, the Building Inspector, and the Selectmen, in writing.

**ARTICLE IX.
HOME OCCUPATIONS**

Home Occupations

1. Home Occupations which meet the following conditions do not require a Code Enforcement Officer or Planning Board Permit:
 - a. Do not employ any persons who do not make the residence their permanent home;
 - b. Do not display any exterior signs, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building;
 - c. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes

other nuisances which extend beyond the limits of the subject property; and

- d. Are not likely to generate regular daily or seasonal traffic.
- e. Under this section, no home occupations are allowed requires any increases in the floor space of any structures on the property.
- f. Notice and description of the Home Occupation shall be given to the Code Enforcement Officer within fourteen (14) days of start-up.

2. Home occupations that do not meeting the provisions of Section 1.a-d above shall obtain from the Code Enforcement Officer and comply with the following conditions:

- a. Not more that one (1) person, who does not make the residence their permanent home may be employed (including part-time workers);
- b. The appearance of the structure or accessory structure may not be altered, except as provided under subsection c. below or the occupation within the residence must be conducted in a manner that would not cause the residence to differ from it s residential character by means of colors, lights or sounds;
- c. Additions to the residence, secondary or accessory structures for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained;
- d. The area devoted to the home occupation shall not exceed 30% of the area used for the residential structure.
- e. There is adequate off-street parking on the premises for customers' or clients' use;
- f. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.

- g. It does not adversely any natural resource or environmentally sensitive area including, but not limited to, a wetlands, aquifer, watercourse or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
- h. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.
- i. Pay a Home Occupation Permit fee of \$25.00 (one time fee).
- j. Signage shall be limited to one (1) sign with a surface area not greater than four (4) square feet.
- k. The Home Occupation Permit does not preclude the requirement to comply with all State and local regulations.

3. Home Occupations that do not meet the provisions of Section 1 and 2 above shall obtain a permit from the Planning Board and comply with the following conditions:

- a. No more than one person who does not make the residence his or her home may be employed;
- b. Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;

- c. Except as provided in Subsection b, the appearance of the structure is not to be altered, and the occupation within the residence shall be conducted in a manner that would not cause the residence to differ from its residential character by means of colors and lights and sounds;
- d. There is no objectionable increase in traffic over that which is normal for the neighborhood;
- e. If the home occupation attracts any regular customer or client traffic, there shall be at least two but not more than three off-street parking spaces specifically designated for use by the employee and any customers of the home occupation. Such parking shall not be located between the house and the road as defined by a line drawn parallel to the road which touches the point of the house nearest to the road. Such parking areas shall be set back at least ten feet from side and rear lot lines.
- f. There shall be no public display of goods or wares or machinery used in the home occupation visible from any public or private way or adjacent properties.
- g. It does not adversely any natural resource or environmentally sensitive area including, but not limited to, a wetlands, aquifer, watercourse or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
- h. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

- I. Pay a home occupation permit fee of \$25.00.
 - j. Pay a Planning Board site visit fee of \$25.00, if one is held.
 - k. Signage shall be limited to one (1) sign with a surface area not greater than four (4) square feet.
 - l. The Home Occupation Permit does not preclude the requirement to comply with all State and local regulations.
4. Home Occupations not meeting the above standards shall be considered Changes of Use requiring full Planning Board review under Article VI of the Land Use Ordinance.

ARTICLE X

DEFINITIONS

Section 9.1 CONSTRUCTION OF LANGUAGE

In this Ordinance, certain words shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the word "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure", and the word "dwelling" includes the word "residence", the word "lot" includes "plot" or "Parcel". In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

Section 9.2 DEFINITIONS

In this Ordinance, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

ACCESSORY (IN LAW) APARTMENT- A second dwelling unit which occupies a portion of, or is attached to a single - family residence (not associated with a duplex) that comprises of not more than a total of eight hundred (800) square feet, not for use by the general public.

ACCESSORY STRUCTURE OR USE- A separate use or structure ~~(building and structure have the same meaning for this definition)~~ which is customarily both incidental and subordinate to the principal **use or structure and is** on the same lot only. The term "incidental" in reference to the principal ~~use or~~ structure shall mean both a) subordinate and minor in significance to the principal ~~use or~~ structure, and b) attendant to the principal ~~use or~~ structure. Such accessory **structures uses**, when aggregated shall not subordinate the alleged principal use of the lot. Accessory structures shall not exceed one hundred (100) square feet in floor area

For the purpose of this definition, an addition to or extension of an existing principal structure such as a deck or garage where the addition is attached to the principal structure by a common wall and roof is considered a part of the principal structure.

AGRICULTURE- The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

AGGRIEVED PARTY- An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit variance.

ALTERATION- Any change or modification in construction, *(normal maintenance of buildings or property shall not be misconstrued as an alteration)* or change in the structural members of a building or structure such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification, or addition of a deck, dormer, or roof of a building.

AUTOMOBILE GRAVEYARD- A yard, field or other area used as a place of storage, other than temporary storage of up to 120 days by an establishment or place of business which is engaged primarily in

doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for 3 or more unserviceable, discarded, worn out or junked motor vehicles as defined in Title 29, section 1, sub-section 7, or parts thereof.

BACKLOT- *Any lot or parcel of land that does not have frontage on a public or private road.*

BUILDING- See STRUCTURE

BUILDING PERMIT- The official written document to be displayed at the site **for** which displays the authorization for the construction **was** applied for. This **document instrument** is issued by the Building Inspector.

CAMPGROUND- Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

CHANGE OF USE- Any action which alters an existing or proposed use of a property to any other use. Multiple uses may exist on any property provided that a Change of Use has been granted for each use. This includes the rental or leasing of any portion of a parcel with an approved use for any other additional use(s).

CHILD CARE HOME- *A child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation of less than three children, unrelated to the operator by blood, marriage or adoption, under eighteen years of age.*

COMMERCIAL USE- The use of lands, buildings or structures, other than a "home occupation" as defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental residential building and/or services, exclusive of rental residential buildings and/or dwelling units.

CONFORMING USE- A use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

CONSTRUCTION- Includes building, erecting, altering, reconstructing, moving upon or any physical operations on the premises which are required for construction. Excavating, fill, drainage, and the like, shall be considered a part of construction.

CORNER LOT- Any lot bordered by two intersecting roads.

DIMENSIONAL REQUIREMENTS- Numerical standards relating to spatial relationships including but not limited to setback, lot area, road frontage and shore frontage in the shoreland zone and height.

DREDGING- The act of excavating or dredging material (natural or unnatural) from any navigable waters.

DRIVEWAY- A vehicular access-way less than 500 feet in length serving two lots or less in a shoreland zone. Elsewhere, the length may be **appropriate greater than 500 feet in length.**

DUPLEX OR TWO FAMILY DWELLING- A dwelling that provides living accommodations for two families by having separate entrances, kitchens, bedrooms, porches, living rooms, baths, with a full common wall or (floor/ceiling) between the living units and a single foundation (or slab) for the dwelling.

DWELLING- *a building or structure of portion thereof used for residential purposes.* ~~A fixed structure, containing one or more dwelling units.~~

EMERGENCY OPERATIONS- Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

ESSENTIAL SERVICES- The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water slurry or similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

EXPANSION OF A STRUCTURE- An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

EXPANSION OF USE- The addition of weeks or months to a use's operating season; additional hours of operation; or use of more floor area or land area devoted to a particular use.

FAMILY- One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel.

FILLING- Depositing or dumping any matter on or into the ground or water.

FLOOD PLAIN- The lands adjacent to a water body which have been or may be covered by a regional flood. These areas are defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

FLOODWAY- The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream.

FLOOR AREA- The sum of the horizontal areas of floor(s) of a structure inclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

FOREST MANAGEMENT ACTIVITIES- Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

FOUNDATION- The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

GRADE- ~~In The~~ relation to buildings, **it is** the average of the finished ground level at the center of each wall of a building.

HEIGHT OF A STRUCTURE- The vertical distance between the grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

HIGH WATER MARK- See NORMAL HIGHWATER LINE

~~HOME OCCUPATION- An occupation or profession which is carried out in no more than five hundred (500) square feet of the floor area within a detached, single-family dwelling unit, principal structure by the full-time permanent occupants of the dwelling and not more than one full-time non-resident employee, and which does not substantially change the character of the dwelling, accessory or secondary structure of the surroundings, and involves no outdoor display. Only one home occupation is permitted per property.~~

HOME OCCUPATION - An occupation conducted entirely within a dwelling by a member or members of the immediate family residing thereon which is clearly incidental to the residential use, in connection with which (a) there is no display visible to the outside; (b) there is kept no stock and trade or commodity sold upon the premises; (c.) not more than one person is engaged or employed other than members of the immediate family residing on the premises; and (d) there is no interference with the peace and quiet of the neighborhood. Approval for the establishment of a home occupation shall be secured from the Code Enforcement.

INDIVIDUAL PRIVATE CAMPSITE- An area on land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

INDUSTRIAL- The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

JUNKYARD- A yard, field, or other area used as a place of storage for:

1. Automobile graveyards (As defined by M.R.S.A. Title 30-A, Sections 3751-3760).
2. Discarded, worn out or junked plumbing, heating supplies, household appliances and furniture.
3. Discarded scrap and junked lumber.
4. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel, and other scrap ferrous or non-ferrous material, and;

5. Garbage dumps, waste dumps, and sanitary fills.

LAGOON- An artificial enlargement of a water body, primarily by means of dredging and excavation.

LOT- An area of land in one ownership, or leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

LOT AREA- The area of land enclosed within the boundary lines of a lot, not including area of a great pond.

LOT COVERAGE- The percentage of the lot covered by all buildings.

LOT, MINIMUM AREA- The required lot area within a district for a single use. The lot area shall be as specified in Section 4.3 DIMENSIONAL REQUIREMENTS of this Ordinance.

M.R.S.A.- Maine Revised Statutes Annotated

MINERAL EXPLORATION- Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to it's original condition.

MOBILE HOME- A structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels.

MOBILE HOME PARK- *A parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured homes. (As contained in State Law)* ~~A plot of land laid out to accommodate at least three mobile homes.~~

MOBILE HOME PARK LOT- Means the area of land on which an individual home is situated within a mobile home park and which is reserved for the use of the occupants of that home.

MULTI-UNIT RESIDENTIAL- A residential structure containing three (3) or more residential dwelling units. Multi-unit residential also includes mobile home parks.

NON-CONFORMING LOT- A single lot of record which at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, width or spatial requirements of the district in which it is located and/or other current Town Ordinances.

NON-CONFORMING STRUCTURE- A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took affect.

NON-CONFORMING USE- Use of buildings, structures, premises, land or part thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took affect.

NORMAL HIGHWATER LINE- That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal highwater line is the upland edge of the wetland, and not the edge of the open water.

NUISANCE- 1) A thing or condition causing danger or annoyance either to a limited number of persons or to the general public or, because of it's attraction, to children who will be unlikely to recognize its dangerous quality. 2) Any property or use existing in violation of this Ordinance.

OCCUPANCY PERMIT- A written document issued by the Building Inspector or the Code Enforcement Officer upon his/her examination that verifies that the work applied complies with the Application (and any conditions attached thereto) and this Ordinance and which signifies that the building is fit for human habitation or that the work done meets the minimum requirements for the conduct of the Use applied for.

PERSON- An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having joint or common interest, or other legal entity.

PRINCIPAL STRUCTURE- *Any building that can fully function on its own with no obvious secondary or dependent relationship to the other, such as a garage, barn or shed, shall be considered a principal structure. [A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.]*

PRINCIPAL USE- A use other than one which is wholly incidental or accessory to the use of another building or use on the same premises.

PUBLIC FACILITY- Any facility, including, but not limited to, buildings, property, recreation areas, and roads, easements or rights-of-ways, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

PUBLIC UTILITY- Any person, firm, corporation, municipal department, board of commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

RECREATIONAL FACILITY- A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

RECREATIONAL VEHICLE- A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with it's tires on the ground, and must be registered with a State Division of Motor Vehicles.

REPLACEMENT SEPTIC SYSTEM- A system intended to replace an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure.

RESIDENTIAL DWELLING UNIT- A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

RIGHT-OF-WAY - (roads, public or private) The land reserved for the passage over land of another including all private or public roads, streets, state and federal highways (now called public easements) including utility company rights-of-ways. (NOTE: For the purpose of establishing building and other improvement setbacks, setback distances shall be measured from the outer most right-of-way limit, NOT the edge of traveled-way or pavement.)

ROAD- A route or track consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

SECONDARY STRUCTURE- Any structure of over one hundred (100) square feet in floor area which exists or is to be constructed or placed on a lot and whose use is secondary to that of the principal structure on the same lot. This ~~item~~ includes, but is not limited to, items such as truck trailers or bodies used for storage purposes.

SETBACK- The minimum horizontal distance from a lot line **or right of way** to the nearest part of a structure.

SHORELAND ZONE- The land area located within two-hundred fifty (250') feet, horizontal distance of the normal high-water line of any great pond, river, or within two-hundred fifty (250') feet of the upland edge of a freshwater wetland; or within seventy-five (75') feet of the normal high-water line of a stream. See the Shoreland Zoning Map.

STREAM- A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey seven point five (7.5) minute series topographic map, or if not available, a fifteen (15) minute series topographic map, to the point where the body of water becomes a river. Streams in Greene meeting this criteria include, but is not limited to; 1) Hooper Brook, 2) Dead River, 3) Allen Stream, 4) Daggett Bog Stream.

STRUCTURE- Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalls, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

SUBDIVISION- Subdivisions shall conform to the Maine State Statutes, Title 30-A, section 4401 and Title 38, sections 482 sub-section 5.

SUBSTANTIAL COMPLETION- Is the completion of work applied for to the point where an Occupancy permit can be issued (new construction only).

SUBSTANTIAL ENLARGEMENT- *The expansion of the land area of the development site or the expansion of the floor area of any structure by either 500 square feet or 25% in area (whichever is less provided such expansion involves at least 250 square feet) within any five (5) year period.* ~~An expansion of the land area of the development site or the expansion of floor area of any structure by more than one hundred (100) square feet of at any one time since the effective date of this Ordinance.~~

SUBSTANTIAL START- Completion of thirty (30%) percent of a permitted structure or use measured as a percentage of estimated total cost.

SUBSURFACE SEWAGE DISPOSAL SYSTEM- A collection of treatment tank(s), disposal area(s), holding tank(s) and ponds, surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under M.R.S.A., section 414, any surface wastewater disposal system licensed under 38 M.R.S.A., section 413, sub-section 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or part hazardous waste as defined in 38 M.R.S.A. chapter 13, sub-chapter 1.

SWIMMING POOL- A permanent outdoor man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24") inches, primarily for swimming or bathing, whether in the ground or above the ground. A swimming pool over 100 square feet is considered to be a structure.

TIMBER HARVESTING- The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery.

USE- The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

USE PERMIT- Is a written document issued by the Planning Board that provides evidence the property use applied for has been found acceptable (possibly with conditions and/or restrictions) and is authorized for that purpose.

VARIANCE- A relaxation of the terms of this Ordinance where such variance is specifically authorized under section 8.

VEGETATION- All live trees, shrubs, ground cover, and other plants, including without limitations, trees, both over and under four (4") inches in diameter, measured four and one half (4 ½') feet above ground level.

WETLAND- Freshwater swamps, marshes, bogs, and similar areas are:

1. Of ten (10) or more contiguous acres; or less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small channels or inclusions of land that do not conform to the criteria of this definition.

WRITTEN PETITION- A petition signed by at least ten (10%) percent of the municipal voters in the last Gubernatorial Election.

ZONE- A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

BUILDING CODE FOR THE TOWN OF GREENE

An ordinance to provide for safety, health and public welfare through the regulation of construction and relocation of dwellings, providing for permits and prescribing penalties for violation.

Sec. 1 SCOPE. The provisions of this chapter shall apply to new constructions, house trailers, and/or mobile homes set up after March 7, 1970, additions and relocation of any dwelling or part thereof.

Sec. 2 BUILDING INSPECTOR. This chapter shall be administered by the Building Inspector who shall be appointed by the municipal officers.

Sec. 3 (A) INSPECTOR. The Building Inspector shall inspect all dwellings being constructed or relocated for the purpose of enforcing the provisions of this ordinance and all other local and State laws governing the construction of buildings.

(B) RIGHT OF ENTRY. The Building Inspector, and or his/her assistant, in performance of his/her duties, may enter any building for the purpose of making the inspection required by this chapter.

Sec. 4 (A) PERMIT. Before the construction or relocation of any dwelling or part thereof shall be commenced, the owner or lessee, or the architect, contractor or builder employed by such owner or lessee shall obtain from the building inspector a permit covering such proposed work. Failure to obtain the required building permit prior to construction, addition/and or relocation of any building or part thereof, shall constitute double the permit cost.

(B) APPLICATION. The application for the permit shall be in writing and shall be made in such a form as the building inspector shall prescribe, and shall contain a description of the proposed new or relocated building. A copy of the current state form for soil evaluation test must accompany the application. The soil evaluation test must meet the minimum State of Maine standards, and must be performed by a State of Maine licensed soil evaluator. No building permit for a dwelling shall be issued without soil evaluation test. The application shall be filed with the board of assessors.

(C) PERMIT APPROVAL. The Building Inspector, after proper examination of the application, shall either issue the requested permit or transmit notice of refusal within a reasonable time. Notice of refusal shall be in writing and shall state the reasons therefor.

(D) LIFE OF PERMIT. All building permits shall be void unless work thereunder is commenced within one year from the date of issuance.

(E) DISPLAY OF PERMIT. Every building permit shall be displayed in a conspicuous place on the premises, clearly visible from the principal traveled street, and shall not be removed until all work covered by the permit has been approved.

Sec. 5 FEES. The fee shall be \$5.00 for the first \$1,000 or part thereof, and \$1.00 for each additional thousand dollars of proposed work.

Sec. 6 SIZE OF LOT. No single family dwelling unit, cottage, mobile home, modular home or prefab home shall be constructed upon or removed to a lot with an area of less than 80,000 square feet per dwelling with a frontage width facing any public or private street of not less than 250 feet. Lots shall be of sufficient size and shape to allow a circle having a diameter of 225 250 feet to fit within their boundaries.

Road frontage will be determined to be any road, public or private.

Setback. Minimum front setback 35 feet. Minimum principal structure side and rear setback 25 feet. Minimum accessory building side and rear setback 10 feet.

Sec. 7 FOUNDATIONS. All dwellings shall be set upon permanent complete foundations of solid rock, poured cement foundations, or cement blocks; masonry or concrete slabs, except seasonal cottages at pond sites. Cement posts or partial foundations do not meet the requirements of this ordinance. No dwelling, house trailer and/or mobile home shall be constructed or removed onto the lot until the foundation is complete and the unit can be set upon the finished foundation.

Sec. 8 MINIMUM CONSTRUCTION STANDARDS. All building materials used and practices followed in the construction of dwellings shall conform to the generally accepted standards of good practice.

Sec. 9 EXTERIOR FINISH. The exterior walls shall be finished with a covering of clapboards, wood-siding, wood or asphalt or asbestos shingles, masonry, brick or stone or other approved material. Such coverings shall be completed within one year. Tarred paper or tarred felt or similar substances shall not be used unless completely hidden from view by the finished exterior wall covering.

Sec. 10 ROOF COVERING. The roof shall be covered with noncombustible or fire resistant materials. Untreated wooden shingles are prohibited.

Sec.11 CHIMNEYS. Chimneys will be of construction approved by the inspector. Chimney construction approved by the National Building Code shall be accepted.

Sec.12 SMOKEPIPES. Smokepipes shall not pass through a floor or ceiling, and shall not pass through a combustible wall or partition unless it is properly guarded at the point of passage by a double collar of metal with air space of at least five (5) inches, or at least five inches in brick or other non-combustible material between the pipe and the combustible material.

Sec.13 VIOLATIONS. Any dwelling constructed or work performed in violation of the provisions of this ordinance shall be considered a nuisance.

Sec.14 PENALTY. Any person found guilty of violating any provisions of this chapter shall be subject to a fine of not more than \$100.00 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

Attest: A true copy of an ordinance entitled "Building Code of the Town of Greene".

Judy E. Biggar
Town Clerk of Greene