TOWN OF GREENE
LAND USE ORDINANCE

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Carol Buzzell, Town Manager

TOWN OF GREENE LAND USE ORDINANCE

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TOWN OF GREENE
LAND USE ORDINANCE

Chapter 1

1-101 General

1-101.1 Authority

This Ordinance has been adopted pursuant to Article VIII-A, 2nd Part of the Maine Constitution, Title 30-A M.R.S.A. Section 3001, Title 30-A M.R.S.A. Section 4312 et. seq. and Title 38 M.R.S.A. section 435 et.seq.

1-101.2 Purposes

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 and to regulate the growth of the Town in an orderly manner to protect the essentially rural character of the Town; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; *to* protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover; and visual as well as actual points of access to inland waters; to conserve natural beauty and open space.

1-101.3 Applicability

The provisions of this Ordinance shall govern all land and structures within the boundaries of the Town of Greene including those areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river, 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 and outlet stream. These Standards also apply to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

1-101.4 Effective Date

A. The effective date of this Ordinance is March 3, 1979, and the effective date(s) of any amendments. Ordinance provisions relating to the Shoreland Zone shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of theDepartment of Environmental Protection fails to act on Shoreland Zone Standards within forty-five (45)days of receipt of the Standards, they shall be deemed approved.

   Any application for a permit in the Shoreland Zone submitted within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance amendment if the Shoreland Zoning Standards are approved by the Commissioner of the Department of Environmental Protection.

B. Repeal of Municipal Timber Harvesting Regulation.

   The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-8(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-8(5), the following provisions of this Ordinance are repealed:

- Section 3-101.2.F Table of Land Uses, Column 2 (Forest management activities except for timber harvesting) and Column 3 (Timber harvesting);
- Section 3-101.21.G in its entirety; and Section 12-101.2. Definitions, the definitions of "forest management activities" and "residual basal area".

1-101.5 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.

1-101.6 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 a Town Meeting.

C. Copies of amendments within the Shoreland Zone, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, theamendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

1-101.7 Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

AMENDED: March 8, 2003
Amendments prepared 10.29.08
AMENDED: March 7, 2009
AMENDED: March 6, 2011
AMENDED: June 18, 2022

Chapter 2

2-101 Non-Conformance

2-101.1 Purpose

It is the intent of this Chapter to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance shall be allowed to continue subject to the requirements of this Chapter.

2-101.2 General

A. Transfer of Ownership

Nonconforming lots and structures may be transferred, and the new owner may continue to use thenonconforming lot or structure, subject to the provisions of this Chapter.

B. Repair and Maintenance

This Chapter allows the normal upkeep and maintenance of nonconforming structures including repairs and renovations that do not involve expansion of the nonconforming structure.

2-101.3 Nonconforming Structures

A. Expansions

All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 3-101.2.F. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

(b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met, and the expansion is not prohibited by Section 2-101.3.A.

(i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

(c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 2-101.3.A or Section 2-101.3.A(a), above.

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater, <u>at the upland edge of the structure</u>.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, from any portion of the structure, the maximum combined total footprint for all structures may not be expanded to a size

greater than 1,500 square feet. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. If any portion of a structure is located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland the entire structure must meet the footprint and height limits in Section 2-101.3.A(b)(i) and Section 2-101.3.A(c)(i).

(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 2-101.3.A.(b)(i) and Section 2-101.3.A(c)(i), above.

(d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

(e) Photographic record required. Pursuant to Title 38 §439.A.10 Applicant will provide pre-construction photographs and, no later than 20 days after completion of the development, post-construction photographs of the shoreline vegetation and development site.

B. Foundations

Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the PlanningBoard or its designee, basing its decision on the criteria specified in Section 2-101.3.C, Relocation, below.

C. Relocation

A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be re-established within the setback area. The

vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed, or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

D. Reconstruction or Replacement

a. Any nonconforming structure which is located less than the required setback from a water body, tributary stream or wetland and which is removed, damaged or destroyed regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen months of the date of said damage or destruction or removal and provided that such reconstruction or replacement is in compliance with the water body, tributary stream, or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Chapter. In no case shall the structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 2-101.3.C above, as determined by the nonconforming floor area of the reconstructed or replaced structure at its new location. If the total amount of floor area of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 2-101.3.D) above.

Any nonconforming structure which is located less than the required setback from water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in Chapter 2, Section 101.3.D, the physical condition and type of foundation present, if any.

b. Any nonconforming structure which is located more than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland and which is removed, damaged or destroyed by fire, lightning, wind or other natural disaster, it may be rebuilt provided that construction ls commenced within two (2) years after the destruction of the building or structure and is substantially completed within three (3) years after such destruction.

2-101.4 Nonconforming Uses

A. **Expansion**: Expansion of nonconforming uses may be allowed, except as prohibited in Section 2 below, provided the Planning Board after reviewing written application determines that no greater adverse impacts would occur as the result of the expansion as defined in Section C. below and the following:

1. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Chapters 3 and 6.

2. Within the Shoreland Zone the expansion of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within the existing residential structures or within expansions of such structures as permitted in Chapter 2 Section 101.3.C. The expansions of the nonconforming use will not encroach further on the required water body or upland edge setback.

3. The expansion is permitted by Section 2-101.3.

B. **Resumption Prohibited**: A lot, building or structure in or on which a nonconforming use is discontinued for a period of two (2) years, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding

five-(5) year period.

C. **Change of Use**: An existing nonconforming use may be changed to another nonconforming use provided that (a) the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use; as determined by the Planning Board and (b) applicable performance standards contained in Chapter 3 are complied with and (c) approval is obtained pursuant to Chapter 6 if applicable. The determination of no greater adverse impact shall be made according to criteria listed below.

1. That the proposed use is of the same character or less noxious than the current nonconforming use.

2. That the proposed use will not create a traffic hazard nor increase an existing traffic hazard; and

3. That the amount of parking required to meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in accordance with Section 4 of this Ordinance; and

4. That the amount of noise, odors, vibrations, smoke, dust, and air discharges of the proposed use shall be equal to or less than the present use; and

5. That the rate of surface water run-off from the site will not be increased; and

6. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses; and

D. **Change of Use of a Nonconforming Structure**: The use of a nonconforming structure may not bechanged to another nonconforming use unless the Planning Board, after reviewing written application, determines that the new use is equally or more appropriate to the district than the existing use of the nonconforming structure and will have no greater adverse impacts than the existing use.

The determination of no greater adverse impact shall be made according to the criteria contained in Subsection C above.

The change in use shall comply with any applicable Performance Standards set forth in Chapter 3 and approval is obtained pursuant to Chapter 6 if applicable.

2-101.6 Nonconforming Lots of Record

A. A nonconforming 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 thisOrdinance 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.

B. **Contiguous Lots of Record**: 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 parts 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 for Subsurface Wastewater Disposal Rules" are complied with.

If two (2) 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 and the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

C. **Contiguous Lots** - Vacant or Partially Built: 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 structures the lots shall be combined to the extent necessary to meet the dimensional requirements. This section shall not be deemed to require contiguous lots in a subdivision approved by the Planning Board and recorded in The Androscoggin County Registry of Deeds after March 31, 1976 to be

combined.

AMENDED: March 8, 2003
Proposed amendments 10.29.09
AMENDED: March 7, 2009
AMENDED: March 6, 2010
AMENDED: June 18, 2022

Chapter 3

3-101 Land Use Performance Standards

3-101.1 General

The performance standards contained in this Chapter shall apply to all uses and activities, unlessotherwise specified, whether or not specific approval or a permit is required.

3-101.2 District Uses and Dimensional Requirements

A. Official Land Management District Map

The areas to which these Standards are applicable are hereby divided into the following districts as shown on the Official Land Management District Map which is made a part of this Ordinance:

1. General Development
2. Village I
3. Village II
4. Residential
5. Rural
6. Stream Protection
7. Limited Residential
8. Resource Protection

B. Location of Districts

Said districts are located and bounded as shown on the Official Land Management District Map, entitled "Land Management District Map of Greene, Maine," and on file in the Office ofthe Municipal Clerk. The official map shall be signed by the Municipal Clerk at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

C. Interpretation of District Boundaries

Unless otherwise set forth on the Official Land Management District Map, district boundary lines are lines of property fines, the centerline of streets, roads or rights-of-way, and the boundaries of the Shoreland Zone as defined herein. Where uncertainty exists as to the location of district boundary lines, the Board of Appeals shall be the final authority.

D. Division of Lots by District Boundaries

Where a land management district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot provided that the other portion of the lot is not in the Shoreland Zone.

E. Establishment of Land Management Districts

1. General Development

The General Development District includes those areas suited to mixture of land uses including commercial, service, manufacturing, and residential.

2. Village I

The Village I District includes the historic village area of Greene. Uses should provide a continuation of current land use patterns and new uses that are compatible with the characteristics that make the district unique.

3. Village II

The Village II District includes those areas where a mixture of land uses are suited for a village type setting

4. Residential

The Residential District provides for a primarily residential area and other land uses that are compatible with residential areas.

5. Rural

The Rural District provides for the continuation of agriculture and forestry while accommodating residential development and other activities for which a rural location is appropriate.

6. Stream Protection District

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

7. Limited Residential District

The Limited Residential District includes those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river, or upland edge of a wetland suitable for residential and recreational development.

8. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas, except those areas which are currently developed and areas in other districts need not be included.

a. Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal wetlands, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W). These areas are generally depicted on a Geographic Information System (GIS) data layer.

b. Floodplains within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line along rivers, defined by the 100-year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils and/or local knowledge.

   Areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line along rivers and great ponds of two or more contiguous acres with sustained slopes of 20 percent or greater.

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

d. Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement.

F. Table of Land Uses

All land use activities, as indicated in Table 1, Table of Land Uses, shall conform with all of the applicable land use standards in Chapter 3-101. The district designation for a particular site shall be determined from the Official Land Management District Map.

Key to table:

- **YES** Allowed (no permit required but must comply with all applicable performance standards contained In Chapter 3-101
- **NO** Prohibited
- **PB** Requires Permit form the Planning Board
- **PBSD** Requires subdivision approval from the from the Planning Board
- **PBSR** Requires Site Plan Review approval from the Planning Board
- **CEO** Requires a permit from the Code Enforcement Officer
- **LPI** Requires a permit from the Local Plumbing Inspector

Abbreviations:

- **GD** General Development
- **V-I** Village I
- **V-II** Village II
- **RES** Residential
- **R** Rural
- **SP** Stream Protection
- **LR** Limited Residential
- **RP** Resource Protection

LAND USES

LAND USES		DISTRICTS							
		GD	V-I	V-II	RES	R	SP	LR	RP
1	Non-intensive recreational uses not requiring structures such as hunting, fishing, or hiking	YES	YES	YES	YES	YES	YES	YES	YES
2	Clearing or removal of vegetation for activities other than timber harvesting	YES	YES	YES	YES	YES	CEO	YES	CEO (1)
3	Fire prevention activities	YES	YES	YES	YES	YES	YES	YES	YES
4	Wildlife management practices	YES	YES	YES	YES	YES	YES	YES	YES
5	Soil and water conservation practices	YES	YES	YES	YES	YES	YES	YES	YES
6	Mineral exploration	YES	YES	YES	YES	YES	NO	YES (2)	YES (2)
7	Mineral extraction, including sand and gravel extraction	PBSR	NO	PBSR	PBSR	PBSR	NO	PBSR	PBSR (3)
8	Surveying and resource analysis	YES	YES	YES	YES	YES	YES	YES	YES
9	Emergency operations	YES	YES	YES	YES	YES	YES	YES	YES
10	Agriculture	YES	YES	YES	YES	YES	YES	YES	YES
11	Confined Feeding Operations	NO	NO	NO	NO	PBSR	NO	NO	NO
12	Aquiculture	PBSR	PBSR	PBSR	PBSR	PBSR	PBSR	PBSR	PBSR
13	Principal structures and uses								
13 A	One-and two-family residential, including driveways	CEO	CEO	CEO	CEO	CEO	PBSR (4)	PBSR	NO (5)
13 B	Multi-unit residential	PBSD	PBSD	PBSD	PBSD	NO	NO	NO	NO
13 C	Mobile home parks	NO	NO	PBSD	NO	NO	NO	NO	NO
13 D	Commercial	PBSR	NO	PBSR	NO	NO	NO	NO	NO
13 E	Neighborhood commercial	PBSR	PBSR	PBSR	PBSR	NO	NO	NO	NO
13 F	Services	PBSR	PBSR (13)	PBSR	NO	NO	NO	NO	NO
13 G	Manufacturing/industrial	PBSR	NO	PBSR	NO	NO	NO	NO	NO

LAND USES		DISTRICTS							
		GD	V-I	V-II	RES	R	SP	LR	RP
13 H	Natural resource-based processing/manufacturing	PBSR	NO	PBSR	NO	PBSR	NO	NO	NO
13 I	Agricultural-related sales/service	PBSR	PBSR	PBSR	NO	PBSR	NO	NO	NO
13 J	Governmental, Public, and Institutional	PBSR	PBSR	PBSR	PBSR	PBSR	NO	NO	NO
13 K	Automotive Graveyards/Junkyards	PBSR	NO	NO	NO	PBSR	NO	NO	NO
13 L	Small nonresidential facilities for educational, scientific, or nature interpretation purposes	CEO	CEO	CEO	CEO	CEO	PB (4)	PB	PB
13 M	Commercial communication towers	PBSR	NO	NO	NO	PBSR	NO	NO	NO
13 N	Campgrounds	NO	NO	NO	NO	PBSR	NO	PBSR	PBSR (8)
13 O	Commercial Recreation	PBSR	NO	NO	PBSR	PBSR	NO	NO	NO
13 P	Child Care Homes	CEO	CEO	CEO	CEO	CEO	NO	CEO (10)	CEO (10)
13 Q	Warehousing	PBSR	NO	PBSR	NO	NO	NO	NO	NO
13 R	Adult Book, Video, or Entertainment Store	PBSR	NO	NO	NO	NO	NO	NO	NO
13 S	Adult Entertainment Facility	PBSR	NO	NO	NO	NO	NO	NO	NO
13 T	Day Care Facilities	PBSR	PBSR	PBSR	PBSR	PBSR	NO	NO	NO
14	Accessory Structure to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO (4)	CEO	CEO
15	Conversions of season residences to year-round residences	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI
16	Piers, docks, wharfs, bridges, and other structures and uses extending over or below that normal high-water line or within a wetland (12)								
16 A	Temporary	CEO (14)	CEO (14)	CEO (14)	CEO (14)	CEO (14)	CEO (14)	CEO (14)	CEO (14)
16 B	Permanent	PB	PB	PB	PB	PB	PB	PB	PB
17	Home occupation (6)	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
18	Private sewage disposal system for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI	LPI	LPI
19	Essential services	PB	PB	PB	PB	PB	PB (7)	PB	PB (7)
19 A	Roadside distribution lines (34.5kV and lower)						CEO (7)	YES (15)	CEO (7)
19 B	Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone						PB (7)	CEO	PB (7)
19 C	Non-roadside or cross-country distribution lines involving eleven poles or more in the shoreland zone						PB (7)	PB	PB (7)
19 D	Other essential services						PB (7)	PB	PB (7)
20	Service drops, as defined, to allowed uses	YES	YES	YES	YES	YES	YES	YES	YES
21	Public and private recreational areas involving minimum structural development	PBSR	PBSR	PBSR	PBSR	PBSR	PBSR	PBSR	PBSR
22	Individual, private campsites	NO	NO	NO	NO	NO	CEO	CEO	CEO
23	Driveway construction	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
24	Road construction	PB	PB	PB	PB	PB	PB	PB	NO (9)
25	Parking facilities	PB	PB	PB	PB	PB	PB	PB	NO (8)
26	Marinas	PBSR	PBSR	PBSR	PBSR	PBSR	PBSR	PBSR	NO
27	Filling and earthmoving <10 cubic yards (11)	YES	YES	YES	YES	YES	CEO	CEO	CEO

	LAND USES	DISTRICTS							
		GD	V-I	V-II	RES	R	SP	LR	RP
28	Filling and earthmoving >10 cubic yard to 100 cubic yards (11)	YES	YES	YES	YES	YES	PB	PB	PB
29	Filling and earthmoving >100 cubic yards (11)	CEO	CEO	CEO	CEO	CEO	PB	PB	PB
30	Signs (new or replacement	YES	YES	YES	YES	YES	YES	YES	YES
31	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
32	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
33	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB	PB	PB

NOTES:

(1) In RP not permitted within 75 feet horizontal distance of the normal high-water line of great ponds, except to remove safety hazards.

(2) Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total ls disturbed.

(3) In RP, not permitted in are.as so designated because of wildlife value.

(4) Provided that a variance from the setback requirement is obtained from the Board of Appeals.

(5) Single-family residential structures may be allowed by a special exception only according to the provisions contained in Chapter 3-101.21.J. Two-family residential structures are prohibited.

(6) For further limitations see Chapter 3-101.12

(7) See further restrictions in Chapter 3-101.21.L

(8) Except when area Is zoned for resource protection due to floodplain criteria, in which case a permit is required from the P.B.

(9) Except to provide access to permitted uses within the district, or where no reasonable alternative route is located outside the RP area.

(10) In existing structures only.

(11) The limits on filling and earth moving shall relate to a single project or activity.

(12) Temporary structures shall require payment of a permit fee for the first installation only, except that the structure may not be expanded without filing of a new application and permit fee.

(13) Only services that have less than 1,500 square feet of floor area and are either intended to serve nearby residential customers or are office space where clients or customers coming to the site are an occasional occurrence.

(14) Excluding bridges and other crossings not involving earthwork, in which case no permit is needed.

(15) Permit not required but must file a written "notice of intent to construct with CEO

Lots for residential, commercial, industrial, and institutional structures and/oruses shall meet or exceed the following minimum requirements:

Space and Bulk Standards

District	Minimum Lot Size/Density	Minimum Road Frontage (continuous)	Minimum Shore Frontage	Minimum Front Setback (1)	Shoreland Zone Minimum Setback/Normal High-Water Line/Upland Edge/Wetland	Minimum Side Setback	Minimum Rear Setback	Minimum Impervious Surface (percent)	Maximum Structure Height (2) (8)
General Development	80,000 sq ft	250 ft	250 ft	35 ft	100 ft/pond 25 ft/other (5) (9)	25 ft	25 ft	60%	30 ft
Village I	40,000 sq ft	200 ft	200 ft	35 ft	100 ft/pond 75 ft/other (5)	15 ft	15 ft	70%	30 ft
Village II	40,000 sq ft (3)	200 ft	200 ft	35 ft	100 ft/pond 75 ft/other (5)	25 ft	25 ft	70%	30 ft
Residential	80,000 sq ft	250 ft	250 ft	35 ft	100 ft/pond 75 ft/other (5)	25 ft	25 ft	50%	30 ft
Rural	80,000 sq ft	250 ft	250 ft	35 ft	100 ft/pond 75 ft/other (5)	25 ft	25 ft	40%	30 ft
Stream Protection	80,000 sq ft	250 ft	250 ft	35 ft	75 ft	25 ft	25 ft	20%	30 ft
Limited Residential	80,000 sq ft	250 ft	250 ft	35 ft	100 ft/pond 75 ft/other (5)	25 ft	25 ft	20% (7)	30 ft
Resource Protection	80,000 sq ft	250 ft	250 ft	35 ft	100 ft/pond 75 ft/other (5)	25 ft	25 ft	20% (7)	30 ft
Accessory Structures		250 ft	250 ft	35 ft	100 ft/pond 75 ft/other (5) 25 ft General Development	10 ft	10 ft		30 ft

NOTES:
(1) Measured from edge of the right of way.
(2) Egress window sill height shall not exceed twenty-three (23) feet from the ground.
(3) Lot sizes for a new development may be required to exceed 40,000 sq. ft. depending upon soil characteristics for subsurface sewage disposal.
(4) Side and rear setbacks for secondary structures associated with multi family structures shall be a minimum of seventy-five (75) feet.
(5) Includes rivers, streams, and upland edge of wetlands as defined.
(6) Parking lots/areas, accessory structures and storage shall not be located in the required setbacks except as provided for herein.
(7) The total area of all structures, parking lots and other non-vegetated surfaces within the Shoreland and Resource Protection District shall not exceed 20 percent of the lot or portion of the lot located in the District including land area previously developed.
(8) See Section 3-101.2.0 for additional height standards.
(9) The setback requirements in the General Development District adjacent to the freshwater wetland on Map 2

G. Lots 47 and 52 as shown on the Greene Tax Maps shall be a minimum of 75 feet, horizontal distance, from the upland edge of the wetland.

H. No lot may be divided or reduced in size in any manner unless each lot, so created, meets minimum area, frontage, and setback provisions. Except as provided for in Section 2-101.5.

I. Corner lots and lots bounded by more than one street shall meet front setbacks for all streets and have at least two hundred fifty (250) feet continuous frontage on one street.

J. Lots shall be of sufficient size and shape to allow a circle having a diameter equal to ninety (90) percent of the required street frontage to fit within their boundaries.

K. All secondary structures, such as garages, shall meet the same setback requirements as those required for principal structures.

L. New building lots located on cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may. be designed so that they have a minimum of thirty-five (35) feet of street frontage along the front lot line, so long as lo width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.

M. If more than one principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front, side, and rear setback and street frontage requirements.

N. All setbacks shall be measured from the property line to the nearest part of the structure except as may be provided for in other provisions of this Ordinance.

O. Height Limits of thirty (30) feet may be exceeded for structures, other than those located in the Shoreland Zone, not intended for human habitation upon review and approval of the Greene Fire Chief. In approving a height greater than thirty (30) feet, the Fire Chief shall consider the type of structure, the structure's susceptibility to fire and the capacity of the fire department to effectively suppress a fire in or on the structure. In the Shoreland Zone the Board of Appeals may grant a variance to height limits upon determination that the applicant meets the undue hardship criteria contained in Chapter 8 Section 101.2.B.1. In no case shall egress windowsill height exceed twenty-three (23) feet from the ground.

P. Lots for duplexes shall require a minimum lot size of one hundred twenty thousand (120,000) square feet and a minimum street frontage of three hundred twenty-five {325) feet.

Q. Front, side, rear, and height of secondary structures shall comply with Section 3-102.

R. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal or greater than the snore frontage requirement for a lot with the proposed use.

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

3-101.3 Use of Backlots

Back lots may be developed for principal structures including lots in a subdivision if they are or can be provided with a right-of way that connects with a public street or a privately-owned street which privately- owned street meets the standards contained in Chapter 5, Street Construction Standards, of this Ordinance and which complies with the following provisions:

A. If a back lot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:

1. The right-of-way must be conveyed by deed recorded in the Androscoggin County Registry of Deeds to the owner of the back lot and be a minimum of sixty (60) feet in width.

2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.

3. Except lots recorded prior to the effective date of this Ordinance, the right-of-way deed must be recorded in the Androscoggin County Registry of Deeds at the time the back lot is first deeded out as a separate parcel.

4. Creation of the right-of-way to serve the back lot shall not create a non-conforming front lot by reducing such lot's required street frontage below the minimum, or, if the front lot is already nonconforming, with respect to street frontage, reduce its street frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee

interest, the land over which such servitude is placed may not be counted toward meeting street frontage requirements for the front lot.

5. The right-of-way may serve only one (1) single-family dwelling or one principal use unless the following provisions are met:

   a. The right-of-way may serve two single-family dwellings if a common driveway meeting the standards contained in the Chapter 5-102.12.J of this Ordinance is constructed.

   b. The right-of-way may serve more than two single-family dwellings provided that a street constructed in accordance with Chapter 5, Street Construction Standards, is provided.

6. No more than one (1) right-of-way for back lot development may be created out of a single lot fronting on a state or town maintained street or private street unless each subsequent right-of-way is created out of at least an additional frontage as required in Chapter 3-101.2 and the right-of-way entrances to such street are at least the requiredfrontage plus half of the right of way width.
7. If the right-of-way is brought up to the street standards as set forth in Chapter 5 of this Ordinance, further dwellings may be constructed on a back lot with Planning Board approval provided all other space and bulk requirements are met for each such dwelling. For purposes of such approval, the sale or lease of additional lots or the construction of an additional dwelling or dwellings served by the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such division or construction were a subdivision.

8. Each single-family dwelling on a back lot shall be located within an area defined by acircle with a minimum diameter of two hundred twenty-five (225) feet.

3-101.4 Lots of Record Served by Nonconforming Rights-of-Ways and/or Streets

A lot of record which could otherwise be legally built upon but that is served by a nonconforming right-of- way and/or nonconforming street and that does not comply with Section 3-101.3 of this Ordinance may be used for a single-family dwelling with CEO approval. No other use either requiring a permit or not permitted shall occur on such lots. Lots created after the effective date of this amendment shall comply with Section 3-101.3 of this Ordinance. The CEO shall require the following before approval may be granted.

A. A copy of the deed or other legal instrument that grants use of the right-of-way and the description of the right-of-way;

B. The names and addresses of all others granted use of the right-of-way;

C. Assurance in such form as the CEO may require that all other applicable state laws and regulations and local ordinances will be complied with; and

D. A statement in recordable form signed by the applicant that if conversion of summer camps or the erection of new dwellings accessed by the nonconforming right-of-way and/or nonconforming street occurs, then maintenance and plowing are the responsibility of the lot owners using the right of way or street that, because the private right of way or street is not constructed to town street standards, the travel of personal, service, emergency and maintenance vehicles over the access street may be hindered. Nothing contained within shall be construed as requiring the Town to provide additional services to properties on nonconforming rights-of-way and/or nonconforming streets not already receiving those services or to accept such nonconforming rights-of-way and/or nonconforming streets as public streets.

3-101.5 Campgrounds

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

A. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and landbelow the normal high-water line of a water body shall not be included in calculating land area per site.

B. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet 1rom the normal high-water line of a great pond, and seventy-five (75) feet from the normal high-water line ofother water bodies, tributary streams, or the upland edge of a wetland.

C. No expansion of an existing campground shall be permitted unless the Planning Board finds that corrective measures will be taken to minimize erosion and sediment problems and maximize the use of buffers at the existing

campground. The Planning Board and the Androscoggin Valley Soil and Water Conservation District, the Maine Department of Environmental Protection or other agencies shall inspect and evaluate existing conditions and require necessary corrective measures to minimize erosion and sediment problems.

3-101.6 Erosion and Sedimentation Control

A. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
    1. Mulching and revegetation of disturbed soil.
    2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
    3. Permanent stabilization structures such as retaining walls or riprap.

B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine {9) months of the initial date of exposure. In addition:

    1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred {500) square feet and shall be maintained until a catch of vegetation is established.

    2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

    3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

E. Natural and manmade drainage ways, drainage outlets shall be protected from erosion from water flowing through them and shall be stabilized with vegetation or riprap as warranted by the drainage characteristics. Culvert inlets and outlets shall be protected from erosion by riprap.

3-101.7 Multi-family Structures

A. Lots for multi-family structures except those located in the Shoreland Zone (structures containing three (3) or more dwelling units) shall contain one hundred twenty thousand (120,000) for the first three dwelling units and an additional forty thousand (40,000) square feet for each additional unit beyond three (3) units. Street frontage shall be a minimum of three hundred fifty feet for the first three (3) dwelling units and have an additional one hundred {100) feet for each unit beyond three (3). Front setbacks for Primary, Secondary and Accessory structures shall be one hundred (100) feet; side and rear setbacks shall be seventy-five (75) feet for Primary and Secondary Structures and ten (10) feet for Accessory Structures.

B. Elderly Housing Complexes

1. For each elderly housing unit contained in a housing complex located in the Village I, Village II and Residential Districts there shall be provided a minimum lot area of 20,000 square feet and a minimum street frontage equal to or exceeding that required for two (2) single-family dwellings in the District.

2. For each elderly housing unit contained in a housing complex located in all other Districts the provisions of 3-101.7A shall be met.

C. Congregate Housing

1. For each congregate housing unit contained in a congregate housing complex located in the Village I, Village

II, Residential or General Development Districts, there shall be provided a minimum lot area of 10,000 square feet.

2. Minimum street frontage shall equal or exceed that required for two (2) single-family dwellings in the District.

3. For each congregate housing unit contained in a housing complex located in all other Districts, the provisions of 3-101.7.A shall be met.

4. In no case shall the minimum lot size be less than that required for proper on-site sewage disposal in accordance with the State Minimum Lot Size Law, 12 M.R.S.A. 4807, et. seq.

3-101.8 Off Street Parking and Loading

A. A use shall not be extended, and no structure shall be constructed or enlarged unless sufficient off-street vehicle parking space is provided. The location of parking to the side or rear of buildings Is encouraged.

B. Parking areas with more than two (2) parking spaces on all non-residential uses shall be arranged so that it is not necessary for vehicles to back into the street.

C. Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.

D. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. The Planning Board may allow the required or provided off-street parking to be located within three hundred (300) feet measured along lines of public access. Such off-lot parking areas shall be held in fee simple by the owner of the use served or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if tenure 1s other t11an ownership in fee simple, the fem, of tenure shall be approved by the Selectmen before the request is considered by the Board. Evidence of fee simple ownership or approved tenure shall be required.

E. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it Is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

F. Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.

G. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

H. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrianaccess and visibility.

I. In paved parking areas, painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of four *(4)* inches in width. Where double lines are used, they should be separated a minimum of 1’0” on center.

J. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.

K. Bumpers or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through streets, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

L. Off-street parking spaces shall comply with the following standards:

1. Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Chapter.

2. Up to twenty (20) percent of required parking spaces may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

M. Handicapped Parking spaces shall comply with the Americans with Disability Act.

N. Off-street parking spaces shall be provided to conform with the number required in the following schedule:

Activity	Minimum Required Parking
Residential	
with 2 or more bedrooms	2 spaces per dwelling unit
with 1 bedroom	1.5 spaces per dwelling unit
Elderly Housing/Congregate Housing	1 space per dwelling unit
Tourist Home, Boarding, Lodging House, Motel, Hotel, Inn, Bed & Breakfast	1 space per room/unit rental and or each employee on the largest shift
Church	1 space per three seats based upon maximum seating capacity
Schools	
Primary	1.5 spaces per classroom
Secondary	8 spaces per classroom
Post-Secondary	1 space for each student and 1 space for each faculty and staff member
Child Care Facility	1 space for every 4 children facility is licensed to care for
Private Clubs or Lodges	1 space per every 75 sq ft of floor space
Theater, Auditoria, Public Assembly	1 space per three seats based upon maximum seating capacity
Funeral Homes	1 space for every 100 sq ft of floor space
Medical Care Facilities	1 space for every 3 beds and every 2 employees on the maximum working shift
Offices, Banks	1 space for every 150 sq ft of floor space
Medical Offices	1 space per employee and 5 spaces per physician
Veterinarian Clinic	5 spaces/veterinarian
Retail and Service Businesses	1 space for every 250 sq ft of floor space
Warehouse, Wholesale	1 space/5000 sq ft of floor area
Flea Market	3 spaces/table
Mixed Use	Total of individual uses
Automobile Repair Garages and Gasoline Filling Stations	5 spaces for each bay or area used for repair work
Library, Museum, Art Gallery	1 space for 150 sq ft of floor space
Commercial Recreation Facility	1 space for each 100 sq ft of floor area
Motor Vehicle Sales	1 space reserved for customers per 30 vehicles displayed on the lot

NOTES:

1. Where the calculation of the parking spaces results in a fractional part of a complete parking space the parking spaces required shall be construed to be the next highest number.
2. The above are recommended standards; and the Planning Board may require more or allow fewer spaces based on documentation from existing similar uses and national standards. The Planning Board shall require adequate parking spaces to insure that uses will not require on-street parking.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

3-101.9 Sanitary Provisions

No Building or Use Permit shall be issued until any and all Disposal System Permits and plumbing permits (if applicable) from the Local Plumbing Inspector have been issued.

3-101.10 Signs and Billboards

A. All signs and billboards shall conform to Title 23 M.R.S.A. Sections 1913-A and 1914. No sign shall block a clear line of site at access and egress points or intersections.

B. Political signs, those announcing candidates seeking public office, political parties, and/or political and public issues contained on a ballot, shall conform to Title 23 M.R.SA actions 1913-A and 1914 and the following.

1. No more than four political signs per candidate, party or issue shall be displayed in a 100-foot length of roadway.

2. Political signs may be placed no more than thirty days before an election and shall be removed within 48 hours after the election.
3. The sign may have up to 32 square feet for single sided sign or 16 square feet on each side of double-faced sign.

4. Signs shall not be placed in road right-of-way and shall be at least ten feet back from all intersections and access and egress points. Signs shall not be more than 3 1/2 feet high and shall not block visibility.

C. Changeable signs, shall conform to Title 23 M.R.S.A. Sections 1913-A and 1914 and the following:

1. May be changed no more than once every 5 seconds.

2. “Changeable signs” means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanicallyaltered by the complete substitution or replacement of one display by another on each side.

3-101.11 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 a 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. '

3-101.12 Home Occupations

Home occupations shall comply with the following.

A. Home Occupations which meet the following conditions do not require a Code Enforcement Officer or Planning Board Permit:

1. Do not employ any persons who do not make the residence their permanent home;

2. 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;

3. 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

4. Are not likely to generate regular daily or seasonal traffic.

5. Under this section, no home occupations are allowed that requires any increases in the floor space of any structures on the property.

6. Notice and description of the Home Occupation shall be given to the Code Enforcement Officer within fourteen (14) days prior of start-up.

B. Home occupations that do not meet the provisions of Section A.1-5 above shall obtain a permit from the Code Enforcement Officer and comply with the following condition

1. Not more than one (1) person, who does not make the residence their permanent home may be employed (including part-time workers);

2. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 3. below or the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;

3. 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;

4. The area devoted to the home occupation shall not exceed thirty (30) percent of the area used for the residential structure.

5. There is adequate off-street parking on the premises for customers or clients use;

6. There is no objectionable increase in commercial vehicle traffic over that traffic: normal for the neighborhood.

7. It does not adversely affect 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.

8. 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 and not go to Transfer Station.

9. Signage shall be limited to one (1) sign with a surface area not greater than four (4) square feet.

10. The Home Occupation Permit does not preclude the requirement to comply with all State and local regulations.

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

1. No more than one (1) person who does not make the residence his or her home may be employed;

2. Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;

3. Except as provided in Subsection C.2, 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;

4. There is no objectionable Increase in traffic over that which is normal for the neighborhood;

5. If the home occupation attracts any regular customer or client traffic, there shall be at least two (2) but not more than three (3} 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 street as defined by a line drawn parallel to the street which touches the point of the house nearest to the street. Such parking areas shall be set back at least ten feet from side and rear lot lines.

6. 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.

7. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to 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.

8. 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 nom1al senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject properly. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances and not go to Transfer Station.

9. Signage shall be limited to one (1) sign with a surface area not greater than four (4) square feet.
10. The Home Occupation Permit does not preclude the requirement to comply with all State and local regulations.

D. Home Occupations not meeting the above standards shall be considered a commercial use requiring full Planning Board review under Chapter 6 of this Ordinance.

3-101.13 Filling, Earth Moving and Storage of Minerals

The filling earth moving and/or storage, when such storage is proposed for the first time, of topsoil loam rock, sand, gravel or other similar materials of more than one hundred (100) cubic yards from or onto any lot in any one (1) year period shall require a permit from the Code Enforcement Officer. This section shall not apply if the activity is undertaken as part of an approved construction project, approved site plan review or is part of normal farming operations. All filling, earth moving and/or storage shall be undertaken to minimize erosion and sedimentation.

3-101.14 Apartment Conversions

A. Purpose

The purpose of these standards is to provide less expensive rental units make housing units available to lower income households who might otherwise have difficulty finding housing in Greene and to protect property values and traditional residential characteristics.

B. General requirements. The conversion of single-family dwellings, except dwellings in the Shoreland Zone legally existing on March 3, 2001, and located on lots which otherwise would not meet the dimensional requirements for a duplex may be converted to a duplex with a permit issued by the Code Enforcement Officer provided that the following are met:

1. Such conversion shall not create more than two (2) dwelling units in any structure including the original dwelling unit.

2. The additional dwelling unit shall be complete, separate house-keeping unit that is isolated from the original unit.

3. The additional dwelling unit shall be designed so that the appearance of the structure remains that of a single-family dwelling with the exception of emergency egress, if so required.

4. The design and size of the additional dwelling units conform to all applicable standards in the Town of Greene Building Code and all other applicable codes.

5. Adequate off-street parking shall be provided.

6. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules

3-101.15 Elder Cottage Housing Opportunity (ECHO) Units

A. Purpose

The purpose of these standards is to provide for the temporary habitation of a dwelling unit, to be occupied by an older person(s), on lots where single-family dwellings exist, except in the Shoreland Zone, so that adult children may care for aging parents or certain persons with a disability.

B. General Requirements

The construction or placement of an "ECHO" unit on a lot which a single-family dwelling is located may be allowed by a permit granted by the Code Enforcement Officer regardless of lot size and frontage, except in the Shoreland Zone, if the following are met.

1. The owner of the principal structure must reside in either the principal structure or the "ECHO" unit.

2. The owner of the principal structure shall be related to occupants by blood, marriage, or adoption.

3. The occupants of the "ECHO" unit must be at least 62 years of age or be unable to live independently

due to a disability.

4. The number of occupants of the "ECHO" unit shall be limited to two persons.

5. All setbacks and lot coverage requirements contained In Chapter 3-101.2.G of this ordinance shall be met. Wherever possible, the unit shall be placed to the side or rear of existing structures.

6. There shall be a separation of a minimum of fifteen (15) feet between the principal dwelling and the "ECHO" unit.

7. The maximum size of the "ECHO" unit shall be 600 square feet of floor area and shall be limited in size to accommodate one (1) bedroom. The "ECHO" unit shall be constructed of similar materials and architectural style as the principal structure. Mobile homes shall not be allowed.

8. The subsurface sewage disposal system on the property shall be functioning properly and be of sufficient size to accommodate the additional flow. In addition, there shall be sufficient land area for an expansion or replacement system which is in compliance with the State of Maine Subsurface Wastewater Disposal Rules. if needed.

9. The parking requirements of the performance standards contained herein shall apply.

10. Proper ingress and egress shall be provided to an ECHO unit.

11. Prior to the issuance of a building permit for the placement or construction of an ECHO unit by the Code Enforcement Officer, the owner of the property shall sign a binding agreement limiting the approval of an ECHO unit for the purposes set forth in this subsection, and that ECHO unit must be removed or converted to a non-habitable accessory structure within ninety (90) days from the date of occupancy cessation or when no qualified person lives within.

3-101.16 Individual Lot Phosphorous Management

A. Purpose

The purposes of these standards are to maintain the water quality of lakes and ponds in Greene and those it shares with adjacent communities by controlling the transport of phosphorous from their direct watersheds.

B. Applicability of Standards

1. The following development activities shall require a Phosphorous Management Control Permit issued by the Code Enforcement Officer whenever located within the direct watershed of a lake or pond. For the purposes of this standard, Gulf Island Pond shall not be considered as a pond.

   b. New commercial, retail, industrial, institutional, and recreational structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.

   c. New residential structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.

   d. Expansions in any five (5) year period of any residential, commercial, retail, industrial institutional or recreational structures and uses that will result in morethan six hundred twenty-four (624) square feet of impervious surface that have not received approval by the Planning Board that included a Phosphorous Export Analysis.

2. The following are exempt from this Section:

   a. Legally existing buildings and uses as they existed on March 3, 2001: and
   b. Land development activities related to Subdivision and Site Plan Review activities when they are in conformance with an approved application by the Planning Board to limit phosphorus export pursuant to Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New

Develoement[1] (Maine Department of Environmental Protection et al., September 1989 with revisions to Chapter 4, May 1990 and as amended).

C. Application Procedure

Before issuing a Building or Use Permit the Code Enforcement Officer shall review andapprove an application for Phosphorus Management Control.

1. Submission Requirements
   a. The tax map and lot number of the lot and the name of the direct lake/pond watershed in which it is located.

   b. A Site Map of the proposed activity drawn at a scale of one (1) inch equals fifty (50) feet unless otherwise approved by the Code Enforcement Officer showing:

      [1] The location and dimensions of all existing and proposed structures and driveways;
      [2] Existing ground cover (woods, fields, lawns, etc.);
      [3] Areas to be cleared for construction or landscaping;
      [4] Present or proposed location of Subsurface Wastewater Disposal System;
      [5] Drainage Patterns.

   c. A photograph of the project site.

2. Application Review

   The Code Enforcement Officer shall review and approve a Phosphorus Management Control Permit based on one of the following methods:

   a) Point System

      The Code Enforcement Officer shall issue a Phosphorus Management Control Permit if the applicant meets or exceeds thirty (30) points based on the following schedule:

      [1] 10 points for correcting an existing erosion problem on the project site.
      [2] 10 points for a clearing limitation of 15,000 square feet and less.
      [3] 15 points for a clearing limitation of 10,000 square feet and less.
      [4] 15 points for the installation of rock-lined drip edges or other infiltrationsystem to serve the new construction.
      [5] 20 points for a 50-foot wide buffer located downslope of the developedarea.
      [6] 25 points for 75-foot wide buffer located downslope of the developed area.
      [7] 30 points for a 100-foot wide buffer located downslope of the developed area.

   b) Technical Analysis

      The Code Enforcement Officer shall issue a Phosphorus Export Transport Permit if the applicant does not exceed the Phosphorus Export Per Acre as identified in the Section 6-501.1.H.

D. Performance Standards

1. Erosion

   Existing erosion problems shall be corrected according to the Maine Erosion and Control Handbook for Construction Best Management Practices (March 1991 and asamended).

2. Clearing Limitations
   Clearing limitation shall be determined based on the area where the natural vegetation is to be removed and converted to structures, gravel or paved surfaces and lawns.

3. Rocked-lined Drip Edges and/or Gutter Drains

A trench 6 to 8 inches in depth and 12 to 16 inches in width, lined with filter fabric filled with 0.75-inch crushed stone, centered beneath the roof edge drip line and/or gutter drain.

4. Other infiltration Systems

   Other infiltration systems shall be designed according to the Maine Erosion and Control Handbook for Construction Best Management Practices, (March 1991 and as amended).

5. Buffers

   a. Existing Buffers

      Existing buffers will be located and maintained according to Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Chapter 5 Maine DEP al., September 1989 with revision in 1992 and as amended).

   b. Created Buffers

      [1] Natural Occurring

      The natural occurring buffer shall be created by allowing the natural progressing of vegetation to develop by the lack of mowing.

      [2] Planted Buffers

      Any planting or revegetation required must be in accordance with a written Plan draftee by a qualified professional, be implemented at the time of construction, and be designed to meet the rating scores contained in paragraph 5-104.3.A.2.b and the ground cover requirements of paragraph 5-104.3.A.2.c when the vegetation matures within the fifty (50) foot strip. At a minimum, the Plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per eighty (80) square feet of newly established buffer. Planted saplings may be no less than three J3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The Planting Plan must include a mix of at least three (3) native tree species found growing in adjacent areas with no one species making up more than fifty (50) percent of the number of saplings planted unless otherwise approved by the Planning Board or its designee based on adjacent stand comparison. All aspects of the implemented Plan must be maintained by the applicant and future owners.

      [3] Ground Cover

      Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other wood and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater while the area is returning to its natural state.

3-101.17 Lots Created After 3/08/03 Served by Existing Private Nonconforming Rights of Way and/or Roads

Any lot created after 3/08/2003 requesting to use frontage on an existing private nonconforming right-of-way or street as road frontage must meet the following criteria.

A. The existing private street must meet the criteria in the table in Section 5-102.12.F and Section 5-102.13.A. The street shall meet the criteria from its point of intersection with the nearest conforming public or private road or 50 feet beyond the proposed driveway location or end of the existing right-of-way.

B. Brush, tree limbs and other protuberances shall be removed to allow easy access by emergency vehicles and to create clear lines of sight at intersections, subject to CEO inspection/approval.

C. The drainage system and erosion control shall conform to recognized management practices. Reference may be made to the Maine Erosion and Sediment Control Handbook for Construction:

Best Management Practices produced by the Cumberland County S011 and Water Conservation District, to the Camp Roads Maintenance Manual: A Guide to Landowners produced by the Kennebec Valley Soil and Water Conservation District, and to the Basic Erosion Control Guidelines for Road Ditch Maintenance produced by Androscoggin Valley Council of Governments.

D. A professional civil engineer, registered in the State of Maine, shall review the plan for conformity before a permit may be issued.

E. Only one single-family dwelling shall be built on any parcel created under compliance with this section.

F. Extension of a Nonconforming Private Road, Street, or Right-of-Way shall meet the criteria and standards for a Private Street as presented in Chapter 5.

G. If land on an existing private road is being subdivided, then the Road, Street or Right-of-Way shall meet the criteria and standards contained in Chapter 5, for public roads (minor street) or Privately Owned Streets from its intersection with a conforming street.

3-101.18 Adult Book Video Stores and Adult Entertainment Facilities

The standards for Adult Book, Video and Entertainment Stores and Adult Entertainment Facilities are:

- to regulate the density of such uses to ensure that they will not become overly concentrated in neighborhoods or areas to the detriment of other uses.
- to regulate the potential impact on the community, especially the potential impact on minors and negative secondary affects.
- to ensure that activities that violate state laws are not conducted on the premises.

A. The minimum distance between such uses and other such uses shall be a minimum of one thousand (1,000) feet as measured along the shortest straight line between the main entrance of each business,

B. Such uses shall not be located within one thousand (1,000) feet of a school, church, playground, park, or other area where minors congregate.

C. Such uses shall not be located within five hundred (500) feet of a residence.

3-101.19 Reserved

3-101.20 Reserved

3-101.21 Shoreland Zones

This Subchapter shall apply only to land areas within 250 feet, horizontal distance, of the normal high-waterline of great ponds and rivers; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-waterline of a stream or outlet stream.

A. **Multiple dwelling/structures**. If more than one residential dwelling unit, principal governmental institutional, commercial, or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

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

C. **Piers, Docks, Wharfs, Bridges, and Other Structures** and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

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

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

3. The facility shall be located so as to minimize adverse effects on fish habitat.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character, uses, of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

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

6. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resource Protection Act.

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

D. **Roads and Driveways:** The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts, and other related features. Where these standards conflict with Chapter 5, Street Construction Standards, the more restrictive shall apply.

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

   On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

   Section 3-101.21.D.1 does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 3-101.21.D.1 except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream, or wetland.

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

upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 3.101.6.

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

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

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

   a. Ditch relief culverts drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (percent)	Spacing (feet)
0-2	250
3-5	200-135
6-10	100-800
11-15	80-60
16-20	60-45
21+	40

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

   c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway with proper riprap aprons applied.

   d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

E. Reserved

F. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2002, and the Nutrient Management Law (7 M.R.S.A. section 201-4209.

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great

pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board Non-conformance with the provisions of said plan shall be considered to be a violation of these Standards.

4. There shall be no new tilling of soil within one hundred (100) feet horizontal distance of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies, nor within twenty-five feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of these Standards and not in conformance with this provision may be maintained.

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

G. Repealed

H. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, from the normalhigh-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall belimited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

   a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpathnot to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

   b. Selective cutting of trees within the buffer strip is allowed provided that a well- distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA,shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4.5 feet Above Ground Level (inches)	Points
2 - <4	1

4 - <8	2
8 - <12	4
12 or greater	8

NOTE: Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25- foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 3-101.21.H.2.b "other natural vegetation is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one-half (4.5) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited to the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may beremoved in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter-and the forest duff layer, shallnot be cut, covered, or removed, except to provide for a footpath or other permitted usesas described in Section (2)(a) above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas as tong as cleared areas are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

I. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

(1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height and be no less than two (2) inches in diameter. Stumps may not be removed.

(b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

(c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

(d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

(e) The Code Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

(2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

(b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

J. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 3-101.21.G, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

(1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 3-101.21.G apply;

(2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;

(3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

(4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 3-101.21.F are complied with;

(5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

(a) A coastal wetland; or

(b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

(6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

(a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

(b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

(c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.html

(7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

K. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 3-101.21.G, to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

(1) The property owner must submit a revegetation plan, prepared with, and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation

was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

(4) Revegetation activities must meet the following requirements for trees and saplings:

(a) All trees and saplings removed must be replaced with native noninvasive species;

(b) Replacement vegetation must at a minimum consist of saplings;

(c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

(d) No one species shall make up 50% or more of the number of trees and saplings planted;

(e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

(f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

(a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

(b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

(e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

(6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

(a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
(b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

L. **Commercial and Industrial Uses**

The following new commercial and industrial uses are prohibited within the shoreland zone as defined adjacent to

Allen, Berry, Hooper and Sabattus Ponds and streams which flow to these ponds.

a. Auto washing facilities
b. Auto or other vehicle service and/or repair operations, including body shops
c. Chemical and bacteriological laboratories
d. Storage of chemicals, including herbicides, pesticides, or fertilizers other than amounts normally associated with individual households or farms
e. Commercial painting\wood preserving, and furniture stripping
f. Dry cleaning establishments
g. Electronic circuit assembly
h. Laundromats, unless connected to a sanitary sewer
i. Metal plating, finishing, or polishing
j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
k. Photographic processing
l. Printing

M. **Single-family Homes/Resource Protection District**

The Planning Board may issue a permit for a single-family residence in the ResourceProtection District if the applicant demonstrates that all of the following criteria are met.

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

b. The lot on which the structure is proposed is undeveloped and was established and recorded in the Androscoggin County Registry of Deeds before the adoption of the Resource Protection District.
c. All buildings, sewage disposal systems, and other improvements are:

    a. Located on natural ground slopes of less than 20%; and
    b. Located outside the floodway of the 100-year floodplain along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Floodplain Management Ordinance for the town of Greene, Maine. If the floodway is not shown on the Federal Emergency Management Agency maps it is deemed to be half the width of the 100-year floodplain.

d. The total ground floor area, including cantilevered or similar overhanging extensions of all principal and accessory structures is limited to 1,500 square feet. This limitation shall not be altered by variance.

e. All structures, except functionally water-dependent structures, are set back from the normal high-waterline of a water body, tributary stream, or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

N. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, and Limited Residential Districts:

a. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2)signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.

b. Name signs are permitted, provided such signs shall not exceed two (2} signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

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

d. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

e. Signs relating to public safety shall allowed be without restriction.

f. No sign shall extend higher than twenty (20) feet above the ground.

g. Signs may be illuminated only by shielded, non-flashing lights.

O. Storm Water Runoff

a. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

b. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

P. Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:

a. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and;

b. A holding tank is not allowed for a first-time residential use in the shoreland zone.

Q. Essential Services

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

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

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

R. Parking Areas

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

4. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

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

a. Typical parking space: Approximately nine (9) feet wide and eighteen (18) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
b. Internal travel aisles: Approximately twenty (20) feet wide.

S. **Campgrounds**

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility. and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland:

3. No expansion of an existing campground shall be permitted unless the Planning Board finds that corrective measures will be taken to minimize erosion and sediment problems and maximize the use of buffers at the existing campground. The Planning Board and the Androscoggin Valley Soil and Water Conservation District, the Maine Department of Environmental, Protection or other agencies shall Inspect and evaluate existing conditions and require necessary corrective measures to minimize erosion and sediment problems.

T. **Individual Private Campsites**

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100} feet, horizontal distance from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance from the normal high-water line or other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed per campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

7. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

U. Mineral Exploration and Extraction

NOTE: This includes mining of topsoil and loam.

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

Mineral extraction may be permitted under the following conditions:

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

2. No part of any extraction operation including drainage and runoff control features shall be permitted within one hundred 100) feet, horizontal distance, of the normal high- water line of a great pond, and wit in seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

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

    b. The final graded slope shall be two and one-half to one (2.5:1) slope or flatter.

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

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

V. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soll Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists, and other persons who
have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

W. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the

permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

X. Additional Standards

In addition to the standards contained elsewhere in the Ordinance, the Planning Board shall consider the following in the Shoreland Zone as defined.

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for disposal of all wastewater,
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use.

AMENDED: March 8, 2003
AMENDED: March 7, 2009
AMENDED: March 6, 2010
AMENDED: June 18, 2022

Chapter 4

4-101 Administration and Enforcement

4-101.1 Building or Use Permit Required

A. Prior to construction of a building exceeding one hundred (100) square feet in floor area or the initiation of any use covered in Chapter 6 or changing the size or shape of an existing building, a Building or Use Permit shall be required. The provisions of this Chapter shall apply to new constructions, manufactured homes set up after March 7, 1990, additions and relocation of any dwelling or part thereof, and swimming pools.

1. This Chapter shall be administered by the Building Inspector/Code Enforcement Officer who shall be appointed by the municipal officers.

2. The Building Inspector/Code Enforcement Officer shall inspect all buildings being constructed or relocated that require a permit under this Ordinance for the purpose ofenforcing the provisions of this Ordinance and all other local and State laws governing the construction of buildings.

3. The Building Inspector/ Code Enforcement Officer, or his or her assistant, in performanceof his or her duties, may enter any building for the purpose of making the inspection required by this Ordinance

B. The application for the permit shall be in writing and shall be made in such form as the Building Inspector/Code Enforcement shall prescribe and shall contain a description of the proposed new or relocated building. For any permit that involves plumbing and/or the installation of a subsurface wastewater disposal system a valid Plumbing Permit issued by the Local Plumbing Inspector must accompany the application. The soil evaluation test must meet the requirements of the State of Maine Subsurface wastewater Disposal Rules and must be performed by a State of Maine Licensed Soil Evaluator. No building permit for a dwelling shall be issued without soilevaluation test. 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 lo 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 or her authorized agent.

F. Within seven (7) days of the filing of a complete application for a Building Permit or Change of Use Permit, the Building Inspector/Code Enforcement Officer shall approve, deny, or refer the applicant to the Planning Board. His or 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/Code Enforcement Officer.

H. A Building Permit or Change of Use Permit secured under the provisions of this Ordinance shall expire if the work or change there under has not reached a substantial start within one (1) year of the date on which the permit is granted, and if the work or change of use is not substantially completed within two (2) years of the date on which the permit is granted.

I. A public utility or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

4-101.2 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 or her authorized agent.

4-101.3 Occupancy Permit Required

A. Occupancy Permit Required: No newly constructed, placed, relocated, enlarged, or renovated structure or use, shall be occupied, or used until an Occupancy Permit has been issued by the Building Inspector/Code Enforcement Officer in accordance with the following.

1. Within five (5) working days of the receipt of a request of an Occupancy Permit, the Building Inspector/Code Enforcement Officer shall inspect the property, structure and/or use to determine that the work is Substantially Complete and that it is in compliance with (a) a Building Permit, (b) Chapter 9 of this ordinance or the Land Use Ordinance that was in effect at the time the permit was issued, and (c) any Code Enforcement Officer or Planning Board approval granted under this ordinance or the Land Use Ordinance that was in effect at the time the permit was issued, as applicable. The Building Inspector/Code Enforcement Officer shall also determine that an adequate means of sewage and wastewater disposal has been provided and that the subsurface wastewater disposal system, if required, has been installed, inspected, and approved by the Local Plumbing Inspector.

2. Upon finding compliance with the requirements of 1 above, the Building Inspector/Code Enforcement Officer shall issue an Occupancy Permit.

3. Nothing in this section shall preclude the occupancy of an existing dwelling unit or structure from habitation or use during renovation, alteration, or enlargement, provided, in the case of a non-residential unit, that the Building Inspector/Code Enforcement Officer finds that the work will not create unsafe or unhealthy conditions for the owner, employees, or patrons of the use. Where a building has been occupied or used during the period of work, the owner shall request the Building Inspector and/or Code Enforcement Officer to inspect the work and issue an Occupancy Permit upon completion of the work for which a permit or approval was obtained.

4-201 Violation, Enforcement and Fines

4-201.1 Violations and Enforcement

A. The Code Enforcement Officer upon a finding that any provision of this Ordinance or the condition(s) of a permit issued under this Ordinance is being violated is authorized to institute legal proceedings to enjoin violations of this Ordinance. Any structure constructed or work performed in violation of the provisions of this Ordinance shall be considered a nuisance.

B. Enforcement Procedure

1. Upon detecting a violation of this Ordinance, the Code Enforcement Officer shall give oral notice to the violator informing the violator of the nature of the violation and the steps necessary to correct it. Should the Code Enforcement Officer not be able to give oral notice a stop work order shall be posted.

2. Within twenty-four (24) hours of oral notice of a violation or the posting of a stop work order the Code Enforcement Officer shall send a written notice to the violator and the landowner should the landowner be different from the violator, by certified mail return receipt requested. The notice shall include reference to the oral notice, a description of the violation, the ordinance provision(s) being violated, corrective measures to be undertaken, a deadline for complying with corrective measures, penalties, and appeal procedures.

3. Should after inspection of the property in violation reveal that the actions specified in the first notice of

violation have not been undertaken the Code Enforcement Office shall send a second written notice, to the violator and the landowner should the landowner be different from the violator, by certified mail return receipt requested. This notice shall state that the Code Enforcement Officer gave previous notice of the violation(s) and the date of the notice, a description of the violation, the ordinance provision(s) being violated, that the Code Enforcement Officer has inspected the property and the violation(s) still exist, that corrective measures to be

undertaken, a deadline for complying with corrective measures and if the violation continues after that date the Selectmen will be notified with a recommendation of legal action.

C. 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. Consent agreements shall, when appropriate, include a corrective action and fine.

1. Corrective actions, when appropriate, shall include applying for an after-the-fact permit or approval as the case may be, remedial action to comply with the standard or standards that have been violated, or other corrective measures to minimize the negative Impacts of the violation.

2. Monetary fines shall be based upon the severity of the violation in relation to public health, safety and welfare and the violator's assumed knowledge of the ordinance, standard or approval violated.

    a. A fine up to $500.00 may be imposed for those violations that have minimal impact on the public health, safety, and welfare and/or the violator could reasonably be expected to not be aware of the ordinance or standard violated.

    b. A fine of up to $2,500 may be imposed for those violations that have a significant impact on the public health, safety, and welfare and/or the violator could reasonably be expected to be aware of the ordinance, permit or standard violated.

D. 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.

E. **Fines**

A person including but not limited to a landowner, a landowner's agent or a contractor who orders or conducts an activity. that 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 based on the fines, penalties and costs imposed by 30-A M.R.SA, ss 4452. Each day that 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. A person including but not limited to a landowner, a landowner's agent or a contractor failing to obtain a Building Permit prior to the start of construction shall be subject to the above lines.

E. Alternative Citation Procedure

1. Citation. Following the Notice of Violation procedure in 4-201.1.B, if corrective action has not occurred, the Code Enforcement Officer may, at his/her discretion, issue a citation to the violator.

2. Content. The citation shall be in writing, describe the nature of the violation(s) including the ordinance sections violated, the date by which the violations were to have been corrected, that a civil penalty has been imposed for the violation, the date by which the penalty must be paid and to whom, and the consequences of failure to pay within the period stated. Corrective action to be taken and the time period for such corrective action must occur. The citation shall also advise the violator of the right to request an extension of time to correct the violation. The citation shall state that additional civil penalties may by imposed and that further citations may issue if the violation has not been corrected within the time specified.

3. Service of Citation. Citations may be delivered in hand to the violator or left with a person of suitable age and discretion residing in the same household. If the violator is a corporation, the citation may be served upon any authorized official, or, if none is available, upon any employee of the corporation. Citations may be served by certified mail return receipt requested. If the return receipt is not signed, the citation shall be presumed to have been served, if also sent by ordinary mail which has not been returned by the post office as undeliverable.

4. Penalties. The penalties for violations shall be as follows:
   1st citation - $50.00
   2nd citation - $100.00
   3rd citation - $250.00
   4th citation - $500.00

   Fines shall be cumulative.

5. Extension of time to correct. In any case in which the violator asserts there is good cause for extending the time period the violation can be corrected, the violator may request such an extension from the Code Enforcement Office in writing setting forth the reason for the request. The request shall not suspend the running of the time limit specified. The Code Enforcement Office shall reply to the request within 2 days of receipt. The decision of the Code Enforcement Office shall be final.

6. Appeals. Appeals to the violation may be taken to review with the Town of Greene Board of Appeals by following the procedure set forth in 8-101.3

AMENDED: March 7, 2009
AMENDED: June 18, 2022

Chapter 5

5-101 Street Construction Standards

5-101.1 Applicability

This Chapter shall apply to all land areas in Greene.

A. New Construction: This Section shall apply to the construction of all new streets and lengthening of existing streets within the Town whether public or private. No street whether newly constructed or existing shall be accepted as a town way unless it meets the provisions of this Chapter.

B. Reconstruction: Reconstruction of public and private streets shall be consistent with Sections 5-102.12 and 13, except for right-of-way widths.

C. Higher Design and Construction Standard: Nothing in this Chapter shall be construed to prevent the design and construction of streets that meet higher standards, use improved methods, or higher quality materials.

D. Persons wishing to construct a new street, or the reconstruction of a street, shall make application to the Planning Board for review and approval of construction/reconstruction prior to undertaking any work on such street. The Town and State agencies shall be exempt from the application, review, and approval process.

5-102 Administration

5-102.1 Agenda

To avoid unnecessary delays in processing applications, the Planning Board shall prepare an agenda for each regularly scheduled meeting. Applicants for both sketch plan and full application shall request to be placed on the Planning Board's agenda no less than fourteen (14) days in advance of a regularly scheduled meeting bycontacting the Chairperson in writing. Applicants who attend a meeting but who are not on the agenda may be heard but only after all agenda items have been completed and then only if a majority of the Planning Board so votes.

5-102.2 Pre-application Meeting

Applicants shall schedule a meeting with the Planning Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the proposed street.

A. Submission

The Pre-application Sketch Plan shall show, in simple sketch form, the proposed street, the area that is to be located, and other features in relation to existing conditions. The Sketch Plan, which may be a freehand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.

B. On Site Inspection.

Within thirty (30) days of the pre-application meeting, the Planning Board shall conduct an on-site inspection of the property.

C. Ownership Interest.

The applicant will furnish written evidence showing right, title or interest (option, contract for sale, etc.) in the property on which the street is to be located to the Planning Board.

5-102.3 Application in Writing

A. The applicant shall request to be placed on the Planning Board's agenda at least fourteen (14) days in advance of the meeting by contacting the Chairman. After being placed on the agenda, one copy of the application and plan(s) and all accompanying information shall be mailed to each Planning Board member postmarked no later than 7 days before the scheduled meeting.

B. All applications for street construction approval shall be made in writing on forms provided for this purpose. Applications shall be received by the Planning Board in order filed and when the Board agenda permits.

C. All applications shall be made by the owner in the property or his agent, as designated in writing or person which shows evidence of right, title or interest.

5-102.4 Street Plans

Plans meeting the standards of this Chapter shall be submitted to and reviewed by the Planning Board andshall be approved by the Planning Board before construction commences

A. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Plan. The Planning Board shall provide the applicant a dated receipt of a Street Construction application at the Planning Board meeting where the application Is first presented.

B. Within thirty (30} days of receipt of a Street Construction application form and fee, the Planning Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. No application shall be considered complete, nor shall application be in order for review or approval if the subject parcel Is known to be in violation of any ordinance. The Planning Board may request the applicant to provide additional information necessary for the Planning Board review after a determination that a complete application has been received. The Planning Board shall determine whether to hold a public hearing.

C. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days after finding it has received a complete application and shall publish notice of the date, time ana place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. Notice of the public hearing shall be mailed to all notified on subsection B above that the proposed street will be located on or adjacent to at least seven days prior to the hearing by the Town of Greene.

Within thirty (30) days after the record is closed of a public hearing, or within sixty (60) days of receipt of a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall issue an order and approve, approve with conditions, or deny the application. The Planning Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

5-102.5 Additional Studies

The Planning Board may require the applicant to undertake any study that it deems reasonable and necessary to demonstrate that the requirements of the Ordinance are met. The costs to all such studies shall be borne by the applicant.

5-102.6 Notice

With the filing of an application, property owners within one hundred (100) feet of the edge of the applicant's property lines shall be notified by Certified Mail, Return Receipt Requested, of a pending application for Street Construction approval by the Town of Greene. Notification forms and the names and addresses shall be obtained from the Town Office. This notice shall indicate the time, date, and place of the Planning Board's first consideration of the application. Should the meeting of the first consideration of the application not be held for any reason renotificat1on shall be provided by Certified Mail, Return Receipt requested of the new date of the meeting. In the case of street construction or reconstruction by the Town of Greene notice of such shall be posted at least ten (10) day prior to the start of construction or reconstruction

5-102.7 Financial Guarantee

Prior to final approval or any Street Construction application, the Planning Board shall require an escrow agreement or letter of credit in such amount as is approved by the Planning Board. This amount shall be sufficient to ensure completion of all improvements required as conditions of approval and in such form as approved by the Planning Board and Selectmen. The Town shall have access to the site at all times to review the progress of the work.

5-102.8 Conditions

The Planning Board may attach reasonable conditions to Street Construction approvals to ensure conformity with the standards and criteria of this Chapter and Ordinance.

5-102.9 Expiration of Approvals

All Street Construction approvals shall expire two (2) years after the date of issuance unless a substantial start of work thereunder is commenced. If work Is not completed within three (3) years from the date of approval the approval lapses and a new application must be made and approved subject to all ordinances and standards then in-effect. There will be no additional charge for application review provided the application Isunchanged.

5-102.10 Submission Requirements and Procedures

A. Submission Requirements

1. The name(s) of the applicant(s);

2. The name(s} of the owner(s) on record of the land upon which the proposed street is to be located;

3. A statement of any legal encumbrances of the land upon which the proposed street is to be located;

4. The anticipated starting and completion date of each major phase of street construction; and

5. A statement indicating the nature and volume of traffic expressed in Average Daily Traffic expected to use the proposed street.

B. Plans: The plans and illustrations submitted as part of the application shall be prepared by a Registered Land Surveyor or Professional Engineer to include the following information.

1. The scale of the plan. (All streets and roadway plan and profile drawings shall be drawn to a scale 1" = 50' horizontal and 1" = 5' vertical);

2. The direction of magnetic north;

3. A plan profile and typical cross section views of all proposed streets showing line, grade, culvert and ditch locations and elevations;

4. The starting and ending point with relation to established roads, streets, or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationing.);

5. The roadway and roadway limits with relation to existing buildings and established landmarks;

6. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements, and building lines;

7. The lots, if any, as laid out and numbered on said street showing the names of all owners of abutting property;

8. All natural waterways and watercourses in or on land contiguous to the said streets or ways;

9. The kind, size, location, profile, and cross-section of all existing and proposed drainage ways and

structures and their relationship to existing natural waterways;

10. A soil erosion and sedimentation control plan showing interim and final control provisions;

11. Curve data for all horizontal and vertical curves shall be the center line radius, arc length, beginning of curve, and end of curve points;

12. All center line gradients shall be shown and expressed as a percent;

13. All curve and property line radii of intersections;

14. The limits and location of any proposed sidewalks and curbing;

15. The location of all existing and proposed overhead and underground utilities to Include, but not limited to) the following: (Note: When a location, in the case of any underground utility, is an approximate, it shall be noted on the plan as such.}
    a. Storm drains;
    b. Telephone line poles or underground vaults;
    c. Electrical power line poles or underground vaults;
    d. Streetlights.

16. The name(s) of each proposed new street.

17. Lines or dots in the center line of the proposed street at intervals of every fifty (50) feet beginning at the intersection with the existing street.

18. A plan to control dust and traffic movement during construction.

C. Upon receipt of plans for a proposed public street, the Board shall forward one co to the Municipal Officers and one copy to the Road Commissioner for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Road Commissioner for review and comment.

D. Streets Within Proposed Subdivisions: Streets proposed as part of a subdivision as defined shall be submitted to the Planning Board as an integral part of the Subdivision Application.

E. Application Fee: The application fee shall be as required in Chapter 10. The application fee shallbe waived if the street Is being reviewed as an element of a subdivision application

F. Submission Waivers: Where the Planning Board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the submission requirements unless otherwise indicated in this Chapter, provided that the applicant has demonstrated that the standards of this Ordinance have been or will be met; the public health, safety and welfare are protected, and provided the waivers do not have the effect a nullifying the intent and purpose of the Comprehensive Plan, this Chapter and this Ordinance.

G. Existing Private Streets: When an applicant is required to upgrade an existing private road in order to obtain a building permit, the applicant shall submit an application and sketch plan at an approximate scale of 1" = 50' or smaller. The plan shall cover the length from 50 feet beyond the furthest driveway to be located, the lot being created or the parent lot, whichever is further, to the nearest road that currently meets the standards contained in 5-102.12. The submittal shall be in accordance with the other submittal requirements of this section and shall contain the following information.

    1. Name, address, and phone number of Applicant.

    2. Magnetic north.

    3. Existing and proposed buildings located or to be located on the existing private road.

    4. Current road layout including travel way, culverts, ditches, natural drainage ways and water bodies within 100 feet of the road. The sketch shall contain the size and length of existing culverts and the width and depth of

existing ditches.

5. The improved travel way with shoulders, new or improved culverts, new or improved drainage ways, and any other new or improved drainage structures.

6. A typical cross section showing the road and all drainage ways.

7. Erosion control plans for the construction process and for final erosion control.

8. The location of all existing and proposed overhead and underground utilities.

5-102.11 Public Acceptance of Streets

The approval by the Planning Board of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the Town of Greene of the street. Final acceptance of a proposed public street shall be by an affirmative vote at a Town Meeting.

5-201 Street Design Standards

5-201.1 Street Design Standards

A. These design standards shall be met by all streets and shall control the roadway, shoulderscurbs, sidewalks, drainage systems, culverts, and other appurtenances.

B. Streets shall be designed to discourage through traffic within a residential subdivision.

C. The character, extent, width, and grade of all streets shall be considered in their relation toexisting or planned streets.

D. Any street serving fifteen (15) dwelling units or more shall have at least two (2) street connectionswith existing public streets.

E. Any privately-owned street serving four (4) dwelling units or less will not require pavement. The following design standards apply according to street classification:

F. The following design standards apply according to street classification:

Description	Collector	Minor	Privately Owned Street (1)	Existing Private Road	Industrial/ Commercial	Mobile Home Park
Minimum right-of-way	60 ft	60 ft	60 ft	Lot of record R.O.W.	60 ft	26 ft
Minimum pavement width travel way width	24 ft	20 ft (2)	20 ft	18 ft gravel	34 ft	20 ft
Sidewalk width	5 ft	5 ft	N/A	N/A	5 ft	N/A
Minimum grade	0.5 percent	0.5 percent	0.5 percent	N/A	0.5 percent	0.5 percent
Maximum grade	8 percent	10 percent	10 percent	N/A	8 percent	10 percent
Minimum centerline radius	200 ft	150 ft	150 ft	N/A	800 ft	150 ft
Minimum tangent between curves of reverse alignment	200 ft	100 ft	100 ft	N/A	300 ft	100 ft
Roadway crown	1/4" per foot	1/4" per foot	1/4" per foot	1/4" per foot	1/4" per foot	1/4" per foot
Roadway shoulders	1/2" per foot	1/2" per foot	1/2" per foot	1/2" per foot	1/2" per foot	1/2" per foot
Minimum angle of street intersections	90 degrees	90 degrees	90 degrees	N/A	90 degrees	90 degrees
Maximum grade within 75 feet of intersection	3 percent	3 percent	3 percent	N/A	3 percent	3 percent
Minimum curb radii at intersections	20 ft	15 ft	15 ft	N/A	15 ft	15 ft
Minimum R.O.W. radii at intersections	10 ft	10 ft	10 ft	N/A	20 ft	10 ft

Minimum width of shoulders (each side)	4 ft	3 ft	3 ft	2 ft	5 ft	1.5 ft

NOTES:

1. Standards for Privately-owned streets in Open Space Subdivisions as provided for in Chapter 7-707.13 of this Ordinance shall not be required to meet minimum right-of-way width or minimum pavement width/travel way width contained herein.

2. The Planning Board may require a greater pavement width up to 24 feet if deemed necessary for fire protection and safety, including transportation of school children. In making the determination, the Board shall consider at a minimum the number of dwelling units, size of lots, availability of sidewalks and plan and profile of the road.

G. Where natural conditions allow the centerline of the roadway shall be the centerline of the right-of-way (R.O.W.).

H. Dead End Streets: In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turnaround with the following requirements for radii. Property line sixty-five (65) feet; outer edge of pavement fifty (50} feet. The use of a hammerhead (also called a T or L) turnaround may be permitted as an alternative to a cul-de-sac turnaround where, in the opinion of the Planning Board, such a turnaround may provide for improved environmental protection, future extension of the street, future connection to another subdivision or subdivision expansion, or access to common land or facilities. In the case of a hammer-head turnaround, the street shall extend 125 feet beyond the furthest edge of the last driveway with a travel way width equal to that of the street. The centerline of the hammerhead or L portion of the turnaround shall be located 65 feet beyond the furthest edge of the last driveway and 60 feet from the end of the street. The width of the travel way of the hammerhead (L portion of the turnaround) shall be thirty (30} feet and the hammerhead shall be sixty (60) feet long measured from the center line of the street. (See sketch at end of Chapter). The width of the right of way for the hammerhead portion of the turnaround shall be 60 feet, minimum.

The Board may require the reservation of an easement the width of which will be determined bythe Planning Board but no wider than sixty (60) feet, in line with the street or the hammerhead to provide continuation of the street, connection with another existing or potential future street, pedestrian traffic, or utilities or to provide access to trails or common land.

I. Grades, Intersections, and Sight Distances

1. Grades of all streets shall conform to general to the terrain so that cut and fill is minimized while maintaining the grade standards above.

2. All changes in grade shall be connected by vertical curves to provide for the minimum sitedistances below.

3. Where new street intersections or driveway curb-cuts are proposed, site distances, as measured along the street onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

Posted Speed limit (MPH)	25	30	35	40	45	50	55
Sight Distance (FT)	250	300	350	400	450	500	550

Where necessary, corner lots shall be cleared of all growth and site obstructions including ground excavation to achieve the required visibility.

J. Common Driveways

1. Common driveways may serve two (2) single-family dwelling units. The Code Enforcement Officer shall review and approve all plans for common driveways.

2. The following design and construction standards shall apply to common driveways:

Minimum travel width ..... 16 feet
Minimum angle of street Intersections ..... 75 degrees
Maximum grade within thirty (30) feet of intersections..... 2 percent

3. Erosion and sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.

4. Common driveway entrances shall comply with Chapter 6-501.1.C.2 to the greatest extent practical as determined by the Building Inspector.

K. Sidewalks

Basing its decision on the location, the amount of current and future foot traffic, the Planning Board with advice from the Road Commissioner may require the installation of sidewalks. Where installed, sidewalks shall meet the following minimum requirements.

1. Sidewalks may be located adjacent to the curb or shoulder, but it is recommended that sidewalks be a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed.

2. Where utilities and other appurtenances are present within five (5) feet of the curb the sidewalk shall be a minimum of seven (7) feet m width. Where no utilities are present, the minimum width shall be five (5 feet.)

3. Bituminous Sidewalks

   a. The sub-base aggregate course shall be no less than twelve (12) inches thick after compaction.

   b. The hot bituminous pavement surface shall be no less than two (2) inches after compaction.

4. Portland Cement Concrete Sidewalks

   a. The sub-base aggregate shall be no less than twelve (12) inches after compaction.

   b. The Portland cement concrete shall be reinforced with six (6) inch square number ten (#10) wire mesh and shall be no less than four (4) inches thick.

5-301 Street Construction Standards

5-301.1 Street Construction Standards

A. Minimum thickness of material after compaction:

Description	Collector	Minor	Privately Owned Street	Existing Private Road	Industrial/ Commercial	Mobile Home Park
Aggregate sub-base course	24"	18"	18"	12"	24"	18"
Crushed aggregate base course	3"	3"	3"	N/A	4"	3"
Hot bituminous pavement						
total thickness	3"	2.5"	2.5"	N/A	4.5"	2.5"
Surface course	3"	2.5"	2.5"	N/A	1.5"	2.5"
Base course				N/A	3"	

B. Preparation

1. Before any clearing has started on the right-of-way, the centerline and side lines of the new street shall be staked or flagged at fifty (50) foot intervals.

2. Before grading is started, the entire right-of-way, width necessary for travel way, shoulders sidewalks, drainage ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps protruding above the natural profile of the land shall be removed from the travel way, shoulders, sidewalks, and drainageways.

3. All organic materials shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks exceeding twelve (12) inches in any dimension shall also be removed to a depth of two (2) feet below the subgrade of the roadway. On soils that have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

4. Side slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

5. All underground utilities shall be installed prior to having to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of- way prior to paving.

C. Bases and Pavement

1. Sub-base

a. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances.

The gradation of the part that passes a four **(4)** inch square mesh sieve shall meet the following grading requirements.

Sieve Designation Square Mesh Sieves	Percentage of Weight Passing
4 inch	100
0.25 inch	25-70
No. 40	0-30
No. 200	0-7

Aggregate for the sub-base shall contain no particles of rock exceeding six (6) inches in any dimension.

2. Base

a. The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a 11/2-inch square mesh sieve shall meet the following grading requirements.

Sieve Designation Square Mesh Sieves	Percentage of Weight Passing
1.5 inch	100
0.5 inch	45-70
0.25 inch	0-55
No. 40	0-20
No. 200	0-5

Aggregate for the base shall contain no particles of rock exceeding three (3) inches in any dimension.

3. Culvert Installation and Drainageway (Roadside Ditch) Construction

a. Culverts shall be Installed in a trench a minimum width of 2 1/2 times the outside diameter of the culvert. In no case shall trenches be less than three {3) feet on each side to allow for compaction. Back fill material shall be in six (6) to eight (8) inch lifts and compacted. The area just outside the culvert end shall

be lined with rip rap stone in a 5' linear direction.

b. Roadside ditches shall be constructed wherever necessary to collect runoff from the road and divert it away from adjacent property and/or collect runoff from adjacent property so that it would not flow onto the road or otherwise damage the road, its base, or appurtenant structures.

c. Drainage Ways (Ditches): Drainage ways shall have a rounded {parabolic) cross section. Ditches shall be of sufficient depth to provide capacity for the anticipated stormwater flows, protection of the road and road sub-base, and diversion of surfaceand groundwater flows (approximately 18" deep). The ditch shall have sufficient width such that a line drawn from the center of the ditch to either edge of the ditch shall have a slope of no greater than three (3) horizontal to one (1) vertical.

4. Pavements

a. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 3/4 inch maximum.

b. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C with an aggregate size no more than 1/2-inch maximum.

c. All intersections shall have Hot Bituminous Pavement, meeting the standards set forth in Section 5-101.13.A, in each direction extending 50 feet from the edge of the intersecting travel way.

D. Additional Improvements and Requirements

1. Erosion Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean up stages.

2. Cleanup: Following street construction the developer or contractor shall conduct a thorough cleanup of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan and shall be suitably covered with fill and topsoil, limed, fertilized, and seeded.

3. Street Names, Signs, and Lighting: Streets that join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the 911 Addressing Officer. The developer shall reimburse the Municipality for the costs of installing street name sign, traffic safety signs and speed limit control signs. Street lighting shall be installed as approved by the Annual own Meeting.

E. Waivers

Where the Board makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this Chapter are not necessary to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan or this Chapter and further provided the performance standards of this ordinance have been or will be met. In granting waivers, the Planning Board shall requiresuch conditions as will assure the purpose of these regulations are met.

F. Certification of Construction

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public street to the legislative body, a written certification signed by the inspecting official shall be submitted to the Municipal Officers certifying that the proposed street meets orexceeds the design and construction requirements of this Chapter.

G. Privately-Owned Streets

Where streets are to remain privately-owned streets, the following words shall appear on the recorded plan.

"All streets shall remain private; maintained by the developer or the lot owners and shall not be accepted or

maintained by the Town."

H. Inspection

1. Notification of Construction/Reconstruction: At least five (5) days prior to commencing street construction or reconstruction of a street the applicant shall:
   a. Notify the Road Commissioner in writing of the time when he/she proposes to commence construction so that the municipal officers can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completion of improvements required by the Planning Board.

   b. Deposit with the Municipal Officers a check for two (2) percent of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup funds are remaining, the surplus funds shall be refunded to the applicant within thirty (30) days. If the inspection account shall be drawn down by ninety (90) percent, the applicant shall deposit an additional one (1) percent of the estimated costs of construction and improvements.

"All streets shall remain private; maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

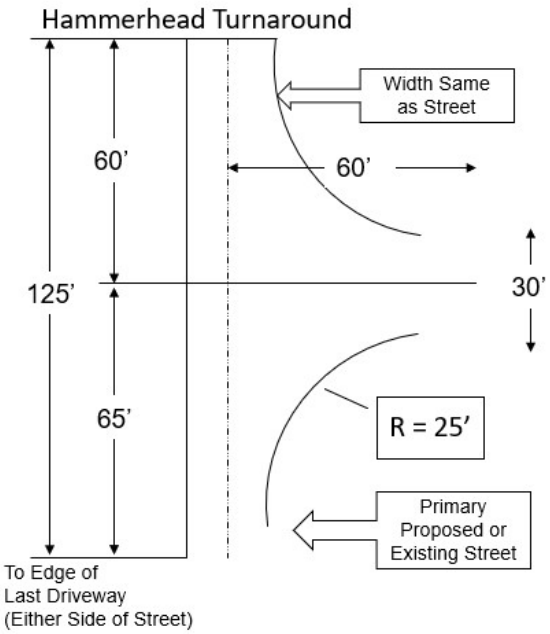
2. Noncompliance with Plan: Upon finding that the improvements have not been constructed in accordance with the approved plans and specifications, the inspector shall so report in writing to the Municipal Officers, Planning Board, Road Commissioner, and applicant. The Municipal Officers shall take any steps necessary to assure compliance with approved Plans.

3. Modification During Construction: If at any time it appears necessary or desirable to modify the required improvements before or during construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Municipal Officers, Planning Board and Road Commissioner. Revised plans shall be filed with the Planning Board for the record. For major modifications, such as relocation of rights-of-way, changes in grade by more than one (1) percent, etc., the applicant shall submit to the Planning card an amended application or review and approval.

5-401 Appeals

An aggrieved party may appeal any decision of the Planning Board under this Chapter to the Board of Appeals within thirty (30) days of the date the Planning Board issues a written order of its decision.

AMENDED: March 8, 2003
AMENDED: March 6, 2010
AMENDED: March 5, 2011
AMENDED: June 18, 2022


Hammerhead Turnaround
Width Same as Street
60'
60'
125'
30'
65'
R = 25'
Primary Proposed or Existing Street
To Edge of Last Driveway (Either Side of Street)

Chapter 6

6-101 Site Plan Review for Non-Residential Development Proposals

6-101.1 Purpose

The purposes of this chapter are:

A. To provide municipal review of projects that potentially could affect the environment and community;

B. To promote and protect the health, welfare and safety of the residents of the Town of Greene;

C. To provide local protection from those particular nuisances that are not governed by State Law or regulation;

D. To balance the rights of landowners to use their land with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, storm water runoff or the pollution of ground or surface waters;

E. To reduce the off-site external problems created by developments thereby decreasing the cost of maintaining or improving municipal services;

F. To conserve the Town's natural beauty and visual character by ensuring that structures, signs and other improvements and uses of land are sited and developed with due regard to the aesthetic qualities of the natural terrain and that proper attention is given to exterior appearances of structures, signs, other improvements and uses of land; and

G. To implement the policies of the comprehensive plan.

6-101.2 Applicability

A. Site Plan Review approval by the Code Enforcement Officer or Planning Board in conformity with the criteria and standards of this Chapter shall be required for the following including projects located within the area governed by the Shoreland Zoning Ordinance, Town of Greene.

1. Proposals for new commercial, retail, industrial and institutional structures and uses.

2. A change in use of or to a commercial, retail, industrial or institutional structure or use.

3. Substantial enlargement to a commercial, retail, industrial or institutional structure or use.

4. Resumption of commercial, retail, industrial or institutional structure or use that has been discontinued for two years which require review if being newly established.

B. Site plan approval is not required for the following:

1. The normal and customary practices associated with the agricultural and forest management activities.

2. Detached single-and two-family dwelling units.

3. Childcare homes.

4. Home occupations except 3.101.12C.

6-201 Administration

6-201.1 Code Enforcement Officer Site Plan Review Approval

A. The Code Enforcement Officer shall review and approve, approve with conditions or deny all applications for site plan approval involving new construction, change in use, substantial enlargement and the resumption of a use as set forth in Section 6-101.2.A.1-4 that encompass up to a combined total of 5,000 square feet of gross floor, land and parking areas. If in any two {2) year period, site plan approval is needed for new

construction, change in use, substantial enlargement and the resumption of a use as set forth in Section 6-101.2.A.1-4 such that the total combines a gross floor, land and parking areas exceed 5,000 square feet, then such application(s) shall be reviewed by the Planning Board. The CEO may refer any application submitted under this Section to the Planning Board if the CEO finds that the application is more complex than his/her expertise qualifies him/her to review or if the CEO finds that the public has a significant interest in the development and should be afforded the opportunity for formal input.

B. The Code Enforcement Officer shall utilize the following procedures for Code Enforcement Officer review of Site Plan Review Applications.

1. An applicant for a Code Enforcement Officer Site Plan Review Approval shall submit two (2) copies of a Development Plan, a fully executed and signed copy of the application for Site Plan Review and the application information contained in Section 6-104. to the Code Enforcement Officer. Upon receiving a Development Plan and application for Code Enforcement Officer review the Code Enforcement Officer shall issue the applicant a dated receipt.

2. With seven (7) days of receiving a Development Plan and application, the Code Enforcement Officer shall notify the property owners within one hundred (100) feet of the edge of the applicant's property lines by Certified Mail, Return Receipt Requested, of a pending application for Site Plan Review. Notification-forms and the names and addressesshall be obtained from the Town Office. This notice shall indicate that an application has been received and how further information can be obtained.

3. Within ten (10) days from the receipt of a site plan review application, the Code Enforcement Officer may schedule an on-site inspection of the property that shall be jointly attended by the applicant or a duly authorized representative and the Code Enforcement Officer.

4. Within fifteen (15) days from the receipt of a site plan review application, the Code Enforcement Officer shall notify the applicant in writing either that the application is complete, or if it is incomplete, the specific sections and provisions of this Chapter that need to be addressed to make a complete site plan application.

5. Upon receipt of additional information and determination that a complete application has been submitted for review, The Code Enforcement Officer shall issue a dated notice to the applicant.

6. Within thirty (30) days of the receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Code Enforcement Officer and the applicant, The Code Enforcement Officer after considering the standards contained in Section 6-501 and 6-601 shall approve, approve with conditions, or deny the application and issue a written decision and findings of fact to the applicant.

6-202.1 Planning Board Site Plan Review Approval

6-202.2 Agenda

To avoid unnecessary delays in processing applications, the Planning Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Planning Board's agenda no less than fourteen (14) days in advance of a regularly scheduled meeting by contacting the Chairperson. Applicants who attend a meeting but who are not on the agenda may be heard but only after all agenda items have been completed and then only if a majority of the Planning Board so votes.

6-202.3 Pre-application Meeting

Applicants shall schedule a meeting with the Planning Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed project.

A. Submission

The Pre-application Sketch Plan shall show, in simple sketch form, the proposed development area, and

other features in relation to existing conditions. The Sketch Plan, which may be a freehand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.

B. Contour Interval and On-Site Inspection.

Within thirty (30) days of the pre-application meeting, the Planning Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan and conduct an on-site inspection of the property.

C. Ownership Interest

The applicant will furnish written evidence showing right, title or interest (option, contract for sale, etc.) in the property to be developed to the Planning Board.

6-202.4 Application Procedure

6-202.5 Applications in Writing

All applications for site plan approval shall be made in writing on forms provided for this purpose. Applications shall be received by the Planning Board in order filed and when the Board agenda permits.

All applications shall be made by the owner in the property or agent, as designated in writing or person that shows evidence of right, title or interest.

6-202.6 Development Plan

A Development Plan meeting the standards of this Chapter shall be submitted to and reviewed by the Code Enforcement Officer or Planning Board and shall be approved by the Code Enforcement Officer or Planning Board before any construction 1s begun or building permit issued. In the case of proposed resumptions of uses that have been discontinued for at least two years, Code Enforcement Officer or Planning Board approval shall be required before such uses may be resumed if such a use requires review if being newly established.

A. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Development Plan. The Planning Board shall provide the applicant a dated receipt of a Site Plan Review application at the Planning Board meeting where the application is first presented.

B. Within thirty (30) days of receipt of a Site Plan Review application form and fee, the Planning Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Planning Board may request the applicant to provide additional information necessary for the Planning Board review after a determination that a complete application has been received. No application shall be considered complete, nor shall application be in order for review or approval if the subject parcel is known to be in violation of any ordinance. The Planning Board shall determine whether to hold a public hearing.

C. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days after finding it has received a complete application and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. Notice of the public hearing shall be mailed to all notified in Section 6.202.8 of the proposed development at least seven days prior to the hearing by the Town of Greene.

Within thirty (30) days after the record is closed of a public hearing, or within sixty (60) days of receipt of a complete application. if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall issue an order and approve, approve with conditions, or deny the development plan. The Planning Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

6-202.7 Additional Studies

The Code Enforcement Officer or Planning Board may require the applicant to undertake any study that it deems

reasonable and necessary to demonstrate that the requirements of this Chapter and Ordinance are met. The costs of all such studies shall be borne by the applicant.

6 202.8 Notice

With the filing of an application, property owners within one hundred (100) feet of the edge of the applicant's property lines shall be notified by Certified Mail, Return Receipt Requested, of a pending application for Site Plan Review by the Town of Greene. Notification forms and the names and addresses shall be obtained from the Town Office. This notice shall indicate the time, date, and place of the Planning Board's first consideration of the application. Should the meeting of the first consideration of the application not be held for any reason renotification shall be provided by Certified Mail, Return Receipt Requested of the new date of the meeting. The costs of such mailings to be borne by the applicant.

6-202.9 Financial Guarantee

Prior to final approval or any Site Plan Review application, the Code Enforcement Officer or Planning Board may require the posting of a bond, escrow agreement or letter of credit in such amount as is approved by the Planning Board. This amount shall be sufficient to ensure completion of all improvements required as conditions of approval of such plan in such form as approved by the Planning Board and Municipal Officers. The Town shall have access to the site at all times to review the progress of the work.

6-202.10 Conditions

The Code Enforcement Officer or Planning Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards ana criteria of this Chapter and Ordinance.

6-202.11 Expiration of Approvals

All Site Plan Review approvals shall expire two (2) years after the date of issuance unless a substantial start of work thereunder is commenced. If work is not completed within three (3) years from the date of approval, the approval lapses and a new application must be made and approved subject to all current Ordinances and standards in effect. There will be no additional charge for application review provided the application is unchanged.

6-202.12 Minor Changes to Approved Plans

Minor changes in approved plans necessary to address field conditions or structure orientation may be authorized oy the Code Enforcement Officer provided that any such change does not affect the standards of this Chapter or alter the intent of the approval. A request for a minor change to an approved plan shall be in writing to the Code Enforcement Officer. In making the determination to approve a minor change to an approved plan the Code Enforcement Officer shall consult with the Planning Board Chair or the Chair's designee. All approvals for minor changes to approved plans shall be in writing by the Code Enforcement Officer. A copy of the written approval and revised site plan shall be filed with the Planning Board within thirty (30) days from the date of the written approval.

Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as permitted in 6.202.6 above, is subject to review and approval by the Planning Board.

6-301 Reserved

6-401 Site Plan Review Application Requirements

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The completed application form, required fees, and the required plans and related information shall be submitted to the Planning Board no less than fourteen (14) days prior to meeting.

One copy of the plan(s) and all accompanying information shall be mailed to each Planning Board member and Code Enforcement Officer. The applicant shall deliver the application to the Fire Chief and Road Commissioner no less than fourteen (14) days prior to the meeting. The applicant shall request that the Fire Chief, and the Road Commissioner provide the Planning Board with official comments upon the adequacy of their department's

existing capacity to service the proposed development prior to the Planning Board site plan review.

6-401.1 Submission

The submission shall contain at least the following exhibits and information:

A. The Development Plan shall consist of two reproducible, stable base transparent original and one paper copy, to be filed at the Town Office, drawn at a scale of not smaller than 50 feet to the inch or other scale as determined by the Planning Board. Space shall be provided on the development Plan for the signatures of the Board and date with the following words. Approved: Town of Greene Planning Board

B. A fully executed and signed copy of the application for Site Plan Review.

C. General information:

1. Name of owner(s) of record and address and applicant's name and address, if different;

2. The name of the proposed development;

3. Names and addresses of all property owners within 100 feet of the edge of the property line;

4. Sketch map showing general location of the site within the Town;

5. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;

6. The tax map and lot number of the parcel or parcels;

7. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant; and

8. The name, registration number and embossed seal of the land surveyor, architect, engineer and/or person who prepared the plan.

D. Existing Conditions

1. Land Management classification(s) of the property if any, location of Land Management District boundaries if the property is in two or more Land Management Districts or abuts a different district;

2. The bearings and distances of all property lines of the property to be developed and the source of this information. The Planning Board may require a formal boundary survey when sufficient information is not available to establish, on the ground, all property boundaries;

3. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;

4. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development;

5. The location, dimensions, and ground floor elevations of all existing buildings on the site:

6. The location and dimensions of existing driveways, streets and parking and loading areas and walkways on the site;

7. Location of intersecting streets or driveways within two hundred (200) feet of the site;

8. The location of open drainage courses, streams, significant wildlife habitat, known or potential archaeological resource, historic buildings and sites, significant scenic areas mapped sand and gravel aquifers, rare and endangered species, other important natura1 features with a description of how such features will be maintained or impacts upon them minimized;

9. The direction of existing surface water drainage across the site;

10. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;

11. The location and dimensions of existing and proposed signs;

12. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions; and

13. Location of freshwater wetlands or forested wetlands, and potential significant vernal pools as defined by MDEP.

E. Proposed Development Activity

1. The location, dimensions, design and exterior materials of all proposed buildings and structures.

2. An existing and proposed setback dimensions.

3. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus.

4. The type, size, and location of all incineration devices.

5. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines.

6. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identity the types of soil, location of test pits, and proposed location and design for the subsurface wastewater disposal system.

7. The type and location of water supply to be used

8. The amount and type of any raw, finished or waste materials to be stored outside roofed buildings including their physical and chemical properties, if appropriate,

9. All existing contours and proposed finished grade elevations of the entire site and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Board.

10. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, with their dimensions.

11. Landscape plan showing all landscaped areas, fencing and size and type of plant material proposed to be retained or planted with special emphasis placed on front setback areas.

12. All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.

13. The property lines of all properties abutting the proposed development, including those properties across the street, with the names and addresses of the owners as disclosed on the tax maps on file in the Town Office as of the date of the development plan review application.

14. Traffic Data: Traffic data shall include the following:

    a. The estimated peak-hour traffic to be generated by the proposal.

    b. Existing traffic counts and volumes on surrounding streets.
    c. Traffic accident data covering the most recent three-year period for which such data is available.

    d. The capacity of surrounding streets and any improvements that may be necessary on such streets to accommodate anticipated traffic generation.

    e. The need for traffic signals and signs or other directional markers to regulate anticipated traffic.

15. A storm water drainage and erosion control plan showing:

    a. The existing and proposed method of handling storm water runoff.

    b. The direction of flow of the runoff through the use of arrows.

    c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.

    d. Engineering calculations used to determine drainage requirements based upon the 2-, 10- and 25-year, 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

    e. Methods of controlling erosion and sedimentation during and after construction.

16. A ground water Impact analysis prepared by ground water hydrologist for projects involving shared on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.

17. A utility plan showing, in addition to provisions for water supply and wastewater disposal the location and nature of electrical, telephone and any other utility services to be installed on the site.

18. The location, width, typical cross-section, grades and profiles of any proposed streets and sidewalks.

19. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.

20. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.

21. Submission Waivers

    Where the Code Enforcement Officer or Planning Board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the submission requirements, unless otherwise indicated in this Chapter, provided that the applicant has demonstrated that the standards of this Ordinance have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the meaning and purpose of the Comprehensive Plan, this Chapter, and this Ordinance.

6-501 General Review Standards

The following criteria and standards shall be utilized by the Planning Board or, when allowed by ordinance, the CEO in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention, and innovation. The Board shall approve the Development Plan unless the Board fines that the applicant has not satisfied one or more of the following criteria provided that the criteria were not first waived by the Planning Board in accordance with Subsection 6-701.

6-501.1 Standards

A. Preservation of Landscape

The landscape will be preserved in its natural state, as far as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If the site contains a scenic site and/or view as identified in the Town of Greene Comprehensive Plan, special attempts shall be made to preserve the natural environment of the skyline and view.

Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural features and archaeological sites as identified in the Town of Greene Comprehensive Plan shall be conserved to the maximum extent vernal pools significant as defined by MDEP.

The Board shall assess the proposed activities impact upon scenic areas and views as identified in the Town of Greene Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views, the Board shall require the applicant to minimize such effects.

B. Relation of Proposed Buildings to Environment

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures so as to have a minimally adverse effect on the environmental and aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.

1. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the compatibility of its design, that Include complementary building style, form, size, color and materials.

2. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

3. Building components, such as windows, doors and eaves, shall have good proportions and relationships to one another.

4. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.

5. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.

6. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

C. Vehicular Access

The proposed development shall provide safe vehicular access to and from public and private streets. The applicant for a development to be located on a parcel of land of ten (10) acres or greater, or five hundred (500) feet or more of frontage on a public street shall file a conceptual Access Master Plan with the Planning Board. The conceptual Access Master Plan shall addressthe overall use of the parcel, the overall vehicular circulation system within the parcel, and the coordination of access into and out of the site. The conceptual Access Master Plan shall demonstrate how the requirements for access as contained in this Chapter will be met.

After the conceptual master plan has been filed with the Planning Board, any application for approval shall be consistent with the plan unless a revised plan is filed.

1. Vehicular access to the site shall be on streets which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on majoraccess routes to the site within one half (1/2) mile of any entrance street that are functioning at a Level of Service of C or better prior to the development must function at aminimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project must not reduce the current level of service.

The Planning Board may approve a development not meeting this requirement if theapplicant demonstrates that:

a. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

b. The applicant shall assume financial responsibility. for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of approval of the project.

2. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances between ten (10) and fifteen (15) feet behind the curb line or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

Posted Speed Limit	Sight Distance
25 mph	200 ft
30 mph	250 ft
35 mph	305 ft
40 mph	360 ft
45 mph	425 ft
50 mph	495 ft
55 mph	570 ft

Where truck traffic is expected to be substantial, the minimum sight distance shall be increased by fifty (50) percent of that required ln the table above. Height of the eye should be six (6) feet with height of object no more than 4.25 feet above the pavement.

3. Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private street shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.

4. The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street shall be a maximum of three (3) percent.

5. The intersection of any access drive or proposed street must function at a Level of Service of C following development if the project will generate four hundred {400) or more vehicle trips per 24-flour period on a level that will allow safe access into and out of the project if less than four hundred (400) trips are generated.

6. Projects generating four hundred (400) or more vehicle trips per 24-hour period must provide two (2) or more separate points of vehicular access into and out of the site.

D. Vehicular access to Route 202, Allen Pond Road, and Sawyer Road

Vehicular access to Route 202, Allen Pond Road, and Sawyer Road shall comply with the following provisions in addition to the above. Where conflicts exist between this subsection and above, this subsection shall apply.

1. Where a proposed development is to be located at the intersection of Route 202 Allen Pond Road or Sawyer Road and a minor or collector street entrance(s) to and exit(s) from the site shall be located only on the minor or collector street provided that this requirement maybe waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector street, or that the location of the driveway. on the minor or collector street would interfere with a predominately residential neighborhood.

2. Curb cuts or access points shall be limited to one per lot for all lots with less than two hundred (200) linear feet or less of street frontage. For lots with greater than two hundred (200) feet of frontage, a maximum of one curb cut per two hundred (200} feet of front shall be permitted to a maximum of three, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b} no other practical alternative exists

3. The maximum number of curb cuts to a particular site shall be governed by the following:

    a. No low volume traffic generator shall have more than one (1) two-way access onto a single street.

    b. No medium or high-volume traffic generator shall have more than two (2) two- way accesses or three (3) accesses in total onto a single street.

4. Curb cut widths and design shall conform to the following standards:

a. Low volume driveways: Defined as driveways with less than fifty (50) vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:

[1] have two-way operation;
[2] intersect the street at an angle as close to ninety (90) degrees as site conditions permit but at no less than sixty (60) degrees;
[3] not require a median;
[4] slope from the gutter line on a straight slope of three (3) percent or less for at least fifty (50) feet with a slope no greater than eight (B) percent except where unique site conditions permit a waiving of the slope standard to ten (10) percent and
[5] comply with the following geometric standards:

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

ITEM	DESIRED VALUE (FT)	MINIMUM VALUE (FT)	MAXIMUM VALUE (FT)
R	15-25*	10	15-25*
W	20-30*	20	24-30*

*Upper values where major street speed and/or truck volume is high.

b. Median volume driveways with more than fifty (50) vehicle trips/day but fewer than two hundred (200) peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high-volume groups, shall:

[1] have either two-way or one-way operation;
[2] intersect the street at an angle as close to ninety (90) degrees as site conditions permit, but at no less than sixty (60) degrees;
[3] not require a median;
[4] slope upward from the gutter line on a straight slope of three (3) percent or less for at least fifty (50) feet and a slope of no more than six (60) percent thereafter, with the preferred grade being a four and one half (4.5) percent, depending on the site; and
[5] comply with the following geometric standards:

Item	Desired Value (FT)	Minimum Value (FT)	Maximum Value (FT)
ONE WAY			
R1 (radius)	30	25	40
R2 (radius)	5	5	10
W (Drive width)	20	20	24
TWO WAY			
R	30	25	40
WD	26-36*	24	30-40*

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

*Where separate left and right exit lanes are desirable

c. High volume driveways defined as driveways with more than two hundred (200) peak hour vehicle trips shall:

[1] have two-way operations separated by a raised median of six (6) to ten (10) feet in width and a fifty (50) to one hundred (100) feet length depending upon necessary storage length for queued vehicles;

[2] intersect with the street at an angle as close to ninety (90) degrees as possible, but at no less than sixty (60) degrees;

[3] be striped for two (2) to four (4) lanes with each lane twelve (12) feet wide;

[4] slope upward from the gutter line on a straight slope of three (3) percent or less for at least seventy-five (75) feet and a slope of no more than five (5) percent thereafter;

[5] have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required . Level of service and traffic signal warrants should be conducted for all high-volume driveways; and comply with the following geometric standards:

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

Item	Desired Value (FT)	Minimum Value (FT)	Maximum Value (FT)
WITHOUT CHANNELIZATION			
R1 (radius)	50	30	50
R2 (radius)	24	20	26
W (Drive width)	6	6	10
WITH CHANNELIZATION			
R	100	75	100
WD	24	20	26
M	6	6	10
WR	20	16	20

*For industrial developments with a high percentage of truck traffic, maximum values are required.

d. Driveway Spacing: Distance from edge of driveway corner (point of tangency) to edge of intersection comer (point of tangency) by type of driveway should be as follows:

Driveway	**Minimum corner Clearance (feet)**	
	Intersection Signalization	Intersection Unsignalization
Low Volume <50-100 trips/day	150	50
Medium Volume >50-100 trips/day, <200 trips/hour	150	50
High Volume >200 trips/hour	500	250

e. Minimum distances between driveways serving the same parcel measured from point of tangency to point of tangency by type of driveway, should be as follows:

The minimum distance between driveway to property line, as measured from point of tangency, should be:

Driveway Type	**Minimum Spacing to Property Line (FT)**
Low Volume	10
Medium Volume	20

High Volume (without right-turn channelization)	75
High Volume (with right-turn channelization)	75

For lots with shared access, the driveway may be located along the property line. The minimum spacing to property line may be varied if (1) the safest point of accessto the site is closer to the property. line and (2) there are at least twenty (20) feet ofseparation between low volume driveways serving adjacent parcels, forty (40) feet of separation between medium volume driveways, and one hundred fifty (50) feet ofseparation between high volume driveways.

f. When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

g. When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Route 202, Allen Pond Road or Sawyer Road where full access presently exists and cannot be provided by Route 202, Allen Pond Road or Sawyer Road or adjacent side street.

E. Off-Street Parking

A use shall not be extended, and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. Parking shall comply with Chapter 3-101.8

F. Surface Water and Storm water Runoff

The proposed activity will not result in undue surface water pollution or significantly change the quantity or quality of storm water runoff. In making this determination, the Board shall at least consider the elevation, slope, land cover, and topography of the land, its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal and/or any other approved licensed discharge.

1. All construction shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Storm water management systems shall maintain the natural drainage characteristics to the extent feasible; existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. The use of constructed natural type features is preferred over engineered structures for the control of storm water quantity or quality where existing natural features must be supplemented to obtain the necessary results.

2. There shall be no significant change in the quantity of storm water. Particular attention shall be given to ensure that downstream properties and infrastructure, natural channels, and natural resources are not adversely impacted. Likewise, the quantity of runoff shall not be reduced to the point that recharge of groundwater, wetlands, and downstream water bodies, and the natural environment is adversely impacted.

3. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

G. Conservation, Erosion and Sediment Control

Erosion soil and sedimentation of watercourses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval.

1. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.

2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.

3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.

4. Disturbed soils shall be stabilized as quickly as practical.

5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.

6. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.

7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.

8. Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.

9. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

10. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.

H. Phosphorous Export

Projects proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below.

	Lake Protection Level	Phosphorus Loads (1)	Allowable Phosphorus Export per Acre (pounds)
Allen Pond	Medium	15.7	0.034
Berry Pond	Medium	1.8	0.15
Deane Pond	Low	0.95	0.356
Hooper Pond	Low	5.4	0.142
No Name Pond	Medium	3.4	0.054
Sabattus Pond	Medium	27.9	0.017

(1) The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

1. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Planning Board.

2. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high maintenance structural measures such as infiltration systems and wet ponds.

I. Site Conditions

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site area shall be regularly sprayed with an environmentally safe product to control dust from construction activity.

2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots, and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.

J. Signs

All signs shall comply with standards set forth in Chapter 3-101.10.

K. Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, plantings or other screening methods as shall reasonably be required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.

L. Exterior Lighting

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

M. Emergency Vehicle Access

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.

N. Municipal Services

The development will not have an unreasonable adverse impact on the municipal services including municipal street systems, fire protection, police protection, emergency medical services, solid waste disposal, schools, open spaces, recreational programs and facilities and other municipal services and facilities. The Planning Board shall consider the input from the Town's Department Heads in making a determination of an unreasonable adverse impact. If the Board makes a finding of unreasonable adverse impacts, the Planning Board, as a condition of approval, may require the applicant to make or pay for required upgraded municipal services necessitated by the development.

O. Water Supply

The development has sufficient water available for the intended use. When the location of the water supply source will be a public water supply as defined in Title 22M. M.R.S.A. Section 2601, its location shall not restrict the location of a subsurface sewage disposal system on adjacent parcels. If subsurface sewage disposal will be restricted, the applicant shall obtain an easement.

P. Ground Water

The proposed development shall not result in undue effect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas, the nature of the proposed development and its potential threat to ground water resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.

1. The development will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A., Section 601. If the existing ground water quality is inferior to the State Drinking Water Regulations, the development will not degrade the water quality any further.

2. For above ground fuel storage and chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided· the diked area must be sized to contain 110 percent of the volume of the largest tank; roofed to prevent accumulation of rainwater in the diked area and shall be property vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and sha!! be designed by a Professional Engineer Registered in the State of Maine when required by the Planning Board.

3. Underground petroleum tanks shall be installed in accordance with the standards promulgated by the

Maine Board of Environmental Protection.

Q. Air Emissions

No emission of dust, ash, smoke or other particulate matter or gases and chemicals shall be allowed which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fail to meet or cannot meet the standards set by the Maine Department of Environmental Protection.

R. Odor Control

The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.

S. Noise

The proposed development shall not raise noise levels to the extent that abutting or nearby residents are adversely affected.

1. The maximum permissible sound pressure level of any continuous, regular, or frequent or intermittent source of sound produced by any activity shall be limited by the time-period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (Leq 1) (measured in dB(a) scale)

	7 am - 10 pm	10 pm - 7 am
Residential	55	45
Commercial	65	55
Industrial	70	60

2. Noise shall be measured by a meter set on the A-weighted response scale, fast response.The meter shall meet the American National Standards Institute (ANSI 81 4-1961) "American Standard Specification for General Purpose Sound Level Meters."

3. The following uses and activities shall be exempt from the sound pressure level regulations:

   a. Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.

   b. The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.

   c. Traffic noise on public streets.

T. Sewage Disposal

The development shall provide for a suitable sewage disposal.

1. All individual on-site systems will be designed by a licensed soil evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.

2. The Planning Board may require an analysis and evaluation including nitrate-nitrogen concentrations of the impacts of the subsurface sewage disposal system on ground water. The Planning Board shall base its determination for the need for an analysis and evaluation on density, designed flows and nature of wastewater.

U. Waste Disposal

The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

1. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

2. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

V. Buffer Areas

No industrial or commercial buildings or uses shall be established in, or adjacent to, a residential use unless a landscaped buffer strip is provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges, or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas shall be maintained, and vegetation replaced to ensure continuous year-round screening.

W. The applicant must show adequate financial and technical capacity to meet these standards.

X. The proposed activity is in conformance with the comprehensive plan.

6-601 Specific Standards

6-601.1 Ground Water Protection

In addition to the standards contained in Chapter 6-501.1.P, the following standards shall be used by the Planning Board for reviewing development applications located on a mapped sand and gravel aquifer:

A. The boundaries of sand and gravel aquifers shall be as delineated on the Sand and Gravel Aquifer Map prepared by the Maine Geological Survey labeled Map 16 and identified as Open File Report No. 85-82d, Plate 3 of 5.

B. When the boundaries of the sand and gravel aquifer are disputed due to lack of sufficient detail on available maps, the applicant or agent may submit hydro geologic evidence prepared by. a geologist

certified in the State of Maine that identifies actual field locations of the aquifer boundaries within the project area. The Planning Board may require actual field identification if they believe the Maine Geological Survey Maps are incorrect.

C. Hydrogeologic Study. Based on the size, location, surrounding uses or other characteristics of the proposed use or site to determine compliance with the requirements of this Chapter and the water quality criteria of the Site Plan Review, the Planning Board may require submittal by the applicant of a hydro geologic impact study. The impact study shall be prepared by a State of Maine Certified Geologist with experience in hydro geology. The study shall contain the following components unless waived by a specific vote of the Board.

1. A map showing: (1) soil types; (2) surficial geology on the property; (3) the recommended sites for individual subsurface wastewater disposal systems and wells in the development; and (4) direction of ground water flow. (The Planning Board expects the detail of this study to vary with the intensity of the development.)

2. The relationship of surface drainage conditions to ground water conditions.

3. Documentation of existing ground water quality for the site.

4. A nitrate nitrogen analysis or other contaminant analysis as applicable including calculation of levels of the property line(s) and well{s) on the property.

5. A statement indicating the potential sources of contamination to ground water from the proposed use and recommendations on the best technologies to reduce the risks.

6. For water intensive uses, analysis of the effects of aquifer drawdown on the quantity and quality of water available for other water supplies or potential water supplies.

7. The Planning Board may require installation and regular sampling of water quality monitoring wells for any use or proposed use deemed to be a significant actual or potential source of pollutants or excessive drawdown. The number, location and depth of monitoring wells shall be determined as part of the hydro geologic study, and wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" Water quality sample results from monitoring we!!s shall be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standard for pollution levels.

8. A list of assumptions made to produce the required information.

D. Conditions/Standards

In addition to the standards contained in Chapter 6-501.1.P, the following standards shall be met:

1. No use including home occupations shall dispose of other than normal domestic wastewater on-site without approval of the permit granting authority. Disposal of wastewater shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.

2. Indoor use or storage facilities where hazardous materials, wastes or other liquids with the potential to threatened ground water quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of total volume of the containers, or 110 percent of the volume of the largest container, whichever is larger.

3. Petroleum and Other Hazardous Material or Waste Transfer. A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.

4. In those areas identified as sand and gravel aquifers as defined in Chapter 6-601.1.A. the following land uses are prohibited unless the Planning Board finds by engineering study must meet state and federal regulations that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this ordinance are met:

- Dry cleaners
- Phot processors
- Printers
- Auto washes
- Laundromats
- Meat packers/Slaughterhouses
- Salt pries/Sand-salt piles
- Wood preservers
- Leather and leather products
- Electrical equipment manufacturers
- Plastic/Fiberglass fabricating
- Chemical reclamation facilities
- Industrial waste disposal/Impoundment areas
- Landfills/Dumps/Transfer stations
- Junk and Salvage yards
- Graveyards
- Chemical manufacturing
- Pesticide/Herbicide stores
- Metal platers
- Concrete/Asphalt/Tar/Coal companies

6-701 Waivers

Where the Code Enforcement Officer or Planning Board makes written findings of fact that due to special circumstances of a particular application, certain required improvements or standards of this Chapter are notnecessary to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan or this Chapter and further provided the performance standards of this ordinance have been or will be met. In granting waivers, the Code Enforcement Officer or Planning Board shall require such conditions as will assure the purpose of these regulations are met.

6-801 Appeals

An aggrieved party may appeal any decision of the Code Enforcement Officer or Planning Board under this Chapter to the Board of Appeals within thirty (30) days of the date the Code Enforcement Officer or PlanningBoard issues a written order of its decision.

AMENDED: March 8, 2003
AMENDED: March 7, 2009

Chapter 7

7-101 Subdivision Standards

7-101.1 Purposes

The purposes of this Chapter are:

A. To assure the comfort, convenience, safety, health, and welfare of the people of the Town of Greene;

B. To protect the environment and to promote the development of an economically sound and stable community.

C. To this end in approving subdivisions within the Town of Greene, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Chapter and Ordinance have been met and that the propose a subdivision will meet the requirements set forth in the State Subdivision Law.

7-101.2 Applicability

The provisions of this Chapter shall pertain to all land and buildings proposed for subdivision within the boundaries of Greene, Maine.

7-201 Administration

7-201.1 Agenda

To avoid unnecessary delays in processing applications the Planning Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Planning Board's agenda no less than fourteen (14) days in advance of a regularly scheduled meeting by contacting the Chairperson. Applicants who attend a meeting but who are not on the agenda may be heard but only after all agenda items have been completed and then only if a majority of the Planning Board so votes.

7-201.2 Pre-application Meeting

Applicants shall schedule a meeting with the Planning Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed project.

A. Submission

The Pre-application Sketch Plan shall show in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a freehand penciled sketch should be supplemented with general information to describe or outline the existing conditions or the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.

When a proposed subdivision will encompass ten (10) acres or more, or five (5) lots, whichever is less, the applicant shall submit sketch plans of both a traditional subdivision layout and open space subdivision layout. The sketch plan shall be accompanied by a written narrative of the advantages and disadvantages of both subdivision techniques in relation to the particular site. The Planning Board shall within thirty (30) days of receiving the sketch plan, inform the applicant of their recommendations based on the intent of the comprehensive plan and the nature of the site, which type of subdivision is the most appropriate. This provision shall not be interpreted to grant the au1hority to the Planning Board to require a particular type of subdivision.

B. Contour Interval and On-Site Inspection.

Within thirty (30) days of the pre-application meeting, the Planning Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan and conduct an on-site

inspection of the property.

C. Ownership Interest

The applicant will furnish written evidence showing right, title or interest (option, contract for sale, etc.) in the property to be developed to the Planning Board.

7-201.3 Joint Meetings

If any portion of the proposed subdivision crosses the boundary of an adjacent municipality the Planning Board shall meet jointly with that municipality's planning board to review the application and conduct any public hearings. The joint meetings and any hearings required under this section may be waived by written agreement of both planning boards.

7-301 Minor Subdivisions (five [5] lots or less)

7-301.1 General

In any case, whether due to the complexity of the subdivision proposal, or because of circumstances indicating that some aspect of the proposal is likely to present a substantial risk to public health, safety, or welfare, the Planning Board may require the applicant to submit any additional information required for a major subdivision when deemed necessary to assure that a hazardous condition will not be present.

7-301.2 Procedure

A. The final plan should approximate the layout shown on the sketch plan, and include recommendations made by the Planning Board. The Planning Board shall provide the subdivider with a dated receipt of a Final Plan application at the Planning Board meeting where the final plan application is first presented and heard by the Planning Board.

B. All applications for final plan approval for a Minor Subdivision shall be accompanied by an application fee as required In Chapter 10. The Planning Board may require the owner or his authorized agent to deposit in escrow with the town an amount of money sufficient to cover the costs for any professional review of the subdivision which the Planning Board may feel is reasonably necessary to protect the general welfare of the town. This escrow payment shall be made before the Planning Board engages any outside party to undertake this review and to make recommendations to the Planning Board. Any part of the escrow payment in excess of the final costs for the review shall be returned to the owner or the owner's agent within thirty (30) days of final approval.

C. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the final plan.

D. With the filing of an application property. owners within one hundred (100) feet of the edge of the applicant's property lines shall be notified by Certified Mail Return Receipt Requested, of a pending application for subdivision approval by the Town of Greene. Notification forms and the names and addresses shall be obtained from the Town Office; fees to be borne by applicant. This notice shall indicate the time, date and place of the Planning Boards first consideration of the application. Should the meeting of the first consideration of the application not be held for any reason renotification shall be provided by Certified Mail, Return Receipt Requested of the new date of the meeting fees to be borne by applicant.

E. Within thirty (30) days of the Planning Board issuing a dated receipt of a Final Plan application form and fee, the Town Office on behalf of the Planning Board shall notify the applicant in writing as to whether or not the application is complete, and what, if any, additional submissions are required for a complete application, and determine whether to hold a public hearing on the final plan application. No application shall be considered complete nor shall application tie in order for review or approval if the subject parcel is known to be in violation of any ordinance.

F. The Planning Board shall determine whether to' hold a public hearing on the final plan. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all notified in subsection

D above of the proposed subdivision seven (7) days prior to the hearing by the Town of Greene.

G. Within thirty (30) days of a public hearing, or within sixty (60) days of receipt of a complete application if no hearing Is held, or within another time limit as may be otherwise mutually. agreed upon the Planning Board and the subdivider, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the final plan. The Planning Board shall specify in writing its findings of facts that the final plan satisfies all the approval criteria for subdivision approval set forth in this Chapter and in Title 30-A M.R.S.A. Section 4404 and reasons for any conditions or denial.

7-301.3 Submissions

The subdivision plan for a Minor Subdivision shall consist of two (2) reproducible, stable-based transparent originals embossed with the seal and signed by the professional who prepc1red the Qian. One (1) will be recorded at the Registry of Deeds, the other will be filed at the Municipal Office and three (3) copies of one (1) or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch shall and all accompanying. the plan(s} shall be provided to the Planning Board. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size and shall have a margin of two (2) inches outside the border lines on the left side and one-inch margins outside the border along the remaining sides. Space shall be provided for endorsement by the Planning Board. In addition, a copy of the plan(s) which may be reduced to a size of 8.5 by 11 inches, and all accompanying information shall be to each Planning Board member. Upon the finding of a complete application the applicant shall provide the Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools copies for their comments and/or suggestions.

The application for approval of a Minor Subdivision shall include the following information:

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, along with the tax assessor's map and lot numbers.

2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The comers of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed from which the survey was based and proof of right title, or interest. A copy of all covenants, deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

4. A copy of any proposed covenant, agreements, or deed restrictions intended to cover all or part of the lots in the subdivision.

5. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners. The plan(s) shall be embossed with the seal and signed by the professional engineer or surveyor that prepared the Plan.

6. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.

7. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

8. The location of any Land Management District boundaries affecting the subdivision.

9. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems test pit analyses prepared by a licensed site evaluator and in compliance with Maine Subsurface Wastewater Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
10. Indication of the type of water supply system(s} to be used in the subdivision. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted-by a well driller or a hydrogeologist familiar with the area.

11. A copy of the portion of the county soil survey covering the subdivision, along with soil descriptions and interpretations. When the county soil survey shows soils that are generally unsuitable for the uses proposed, the Planning Board may require submission of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.

12. A soil erosion and sedimentation control plan that employs the Best Management Practices as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices.

13. A plan for the disposal of surface waters prepared by a qualified professional knowledgeable in surface drainage.

14. The location of any freshwater wetlands, significant vernal pools as defined by MDEP, forested wetlands.

15. The location of river, stream, or brook within or abutting the proposed subdivision.

16. The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.

17. Any portion of the subdivision that is within the watershed of a great pond shall be identified and a phosphorus impact analysis and control plan submitted.

18. The location of known archaeological resources.

19. Identification of documented rare and endangered species identified by the state or federal governments and measures to protect them.

20. The location of documented historic buildings and sites on or adjacent to the site and measures to minimize impacts of them.

21. The location of scenic sites or views as identified in the Town of Greene Comprehensive Plan.

22. The cost of storm drainage, erosion and sediment control and other improvements proposed and statements of the applicant's technical and financial capacity to carry out the project as proposed

7-401 Preliminary Plan for Major Subdivision (More than five [5] lots or containing a proposed street)

7-401.1 Procedure

A. The Preliminary Plan should approximate the layout shown on the Sketch Plan and recommendations made by the Planning Board. The Planning Board shall provide the subdivider with a dated receipt of a Preliminary Plan application at the Planning Board meeting where the Preliminary Plan application is first presented and heard by the Planning Board.

B. All applications for preliminary approval for a Major Subdivision shall be accompanied by an application fee as required in Chapter 10. The Planning Board may require the owner or his authorized agent to deposit in escrow with the town an amount of money sufficient to cover the costs for any professional review of the subdivision which the Planning Board may feel is reasonably necessary to Protect the general welfare of the town. This escrow payment shall be made before the Planning Board engages any outside party to undertake this review and to make recommendations to the--Planning Board. Any part of the escrow payment in excess of the final costs for the review shall be returned to the owner or his agent by certified mail within thirty (30) days of final plan approval.

C. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the preliminary plan.

D. With the filing of an application property: owners within one hundred (100) feet of the edge of the applicant's property lines shall be notified by Certified Mail, Return Receipt Requested of a pending application for subdivision approval by the Town of Greene fees to be borne by applicant. Notification forms and the names and addresses shall be obtained from the Town Office. This notice shall indicate the time date and place of the Planning Board's first consideration of the application. Should the meeting of the first consideration of the

application not be held for any reason renotification shall be provided by Certified Mail, Return Receipt Requested of the new date of the meeting fees to be borne by applicant.

E. Within thirty (30) days of the Planning Board issuing a receipt of a Preliminary Plan application form and fee, the Planning Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application. No application shall be considered complete, nor shall application be in order for review or approval if the subject parcel is known to be in violation of any ordinance.

F. The Planning Board shall determine whether to hold a public hearing on the preliminary plan application, if the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing; fees to be borne by applicant. Notice of the public hearing shall be mailed to all notified in subsection D above of the proposed subdivision seven (7) days prior to the hearing by the Town of Greene; fees to be borne by applicant.

G. The Planning Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed upon by the Planning Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.

H. When granting approval to a preliminary plan, the Planning Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes which it will require in the final plan;

2. The character and extent of the required improvements for which waivers may have been requested and which, in the Planning Board's opinion, may be waived without jeopardy to the public health, safety, and general welfare; and

3. The amount and type of all performance guarantees which it will require as prerequisite to the approval of the final plan.

I. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Planning Board upon fulfillment of the requirements of this Chapter and this Ordinance and the conditions of preliminary approval_., if any. Prior to the approval of the final plan, as a result of the further study of the proposed subdivision or as a result of additional information received, the Planning Board may require additional changes deemed necessary or other conditions to be met so that the final plan will satisfy all of the approval criteria set forth in this Chapter or in 30-A M.R.S.A. Section 4404 for subdivision approval.

7-401.2 Submissions

The Preliminary Plan shall be submitted in three (3) copies of one or more maps or drawings that may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred (100) feet to the inch. Three (3) copies of all information accompanying the plan shall be submitted. In addition, acopy of the plan(s) which m be reduced to a size of 1/2 by 11 inches and all accompanying information shall be to each Planning Board member. Upon the finding of a complete application the applicant shall provide the Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools copies for their comments and/or suggestions. The following information shall either be shown on the Preliminary Plan or accompany the application:

1. Proposed name of the subdivision or identifying title and the name of the municipality in which it is located, and the tax assessor's map and lot numbers.

2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The comers of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot

corner.

3. A copy of the deed from which the survey was based and proof of right, title. or interest. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

4. The number of acres within the proposed subdivision-' location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features shall be shown on the plan.

5. The proposed lot lines with dimensions and lot area.

6. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

7. The location, names and present widths of existing and proposed streets, highways, sidewalks, easements, building lines, parks, and other open spaces on or adjacent to the subdivision.

8. The date the plan was prepared magnetic north point arrow or grid north, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan. The plan(s) shall be stamped or sealed by a professional engineer and/or, surveyor or planner, or an of them, as the case may be.

9. Contour lines at the interval specified by the Planning Board, showing based on defined data.

10. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

11. The location of any Land Management District districts affecting the subdivision.

12. A copy of any proposed deed restrictions, covenants or agreements intended to cover all or part of the lots in the subdivision.

13. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a licensed site evaluator and in compliance the Maine Subsurface Wastewater Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

14. Indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

15. A copy of that portion of the county soil survey covering the subdivision along with soil descriptions and interpretations. When the medium intensity soil survey shows soils that are generally unsuitable for the uses proposed the Planning Board- may require the submission of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.

16. A soil erosion and sedimentation control plan that employs the Best Management Practices as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices.

17. A plan for the disposal of surface waters prepared by a qualified professional knowledgeable in surface drainage.

18. The location of any freshwater wetlands, forested wetland, significant vernal pools as defined by MDEP.

19. The location of river, stream, or brook within or abutting the proposed subdivision.

20. The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife.

21. Any portion of the subdivision that is located within the watershed of a great pond shall be identified and

a phosphorus impact analysis and control plan provided.

22. The location of known archaeological resources.

23. Identification of documented rare and endangered species identified by the state or federal governments and measures to protect them.

24. The location of documented historic buildings and sites on or adjacent to the site and measures as identified in Town of Greene Comprehensive Plan, which will be taken to minimize impacts upon the buildings and sites.

25. The location of scenic sites or views as identified in the Town of Greene Comprehensive Plan.

26. The cost of streets, storm drainage, erosion and sediment control and other improvements proposed and statements of the applicants technical and financial capacity to carry out the project as proposed.

27. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

28. The location of any open space to be preserved and an indication of its improvement and management.

29. A traffic impact analysis prepared by a Professional Engineer when required by the Planning Board.

30. The names and addresses of owners of record of adjacent property including any property directly across an existing public street from the subdivision.

7-501 Final Plan for Major Subdivision

7-501.1 Procedure

A. The subdivider shall, within twelve (12) months after the approval of the preliminary plan, file an application for approval of the final plan. The final plan shall approximate the layout shown on the preliminary plan, and recommendations made by the Planning Board. The Planning Board shall provide the subdivider with a dated receipt of a final plan application at the Planning Board meeting where the final plan application is first presented and-heard by the Planning Board.

B. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the final plan.

C. Within thirty (30) days of the Planning Board issuing a dated receipt of a Final Plan application form, the Planning board shall notify the applicant in writing as to whether or not the application is complete, and what, if any, additional submissions are required for a complete application, and determine whether to hold a public hearing on the final plan application. No application shall be considered complete, nor shall application be in order for review or approval if the subject parcel is known to be in violation of any ordinance

D. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. Notice of the public hearing shall be mailed to notified in Section 7-401.1.D of the proposed subdivision seven (7) days prior to the hearing by the Town of Greene.

E. Before the Planning Board grants approval of the final plan, the subdivider shall meet the performance guarantee requirements contained in Chapter 7-901.

F. Within thirty (30) days from the public hearing, or within sixty (60) days of receiving a complete application if no hearing is held, the Planning board shall make findings of act, and conclusions relative to the standards contained in Title 30-A M.R.S.A. §4404, this Chapter and Ordinance. Ifthe Planning Board finds that all standards of the Statute and this Chapter and Ordinance have been met, they shall approve the final plan. If the Planning Board finds that any of the standardsof the Statute, this Chapter and this Ordinance have not been met, the Planning Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in

the records of the Planning Board.

7-501.2 Submissions

A. The Final Plan shall consist of two (2) reproducible, stable-based transparent originals and one paper embossed with the seal and signed by the professional who prepared the plan. One will be recorded at the Registry of Deeds, the other will be filed at the Municipal Office and three (3) copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch shall be provided to the Planning Board. Plans shall be no larger than twenty by thirty-six (36) inches in size and shall have a margin of two (2) inches outside the border lines on the left side, and one (1) inch margins outside the border along the remaining sides. Space shall be provided for endorsement by the Planning Board.

Three (3) copies of all information accompanying the plan shall be submitted. In addition, one copy of the plans, which may be reduced to a size of 8.5-by-11 inches, and all accompanying information shall be provided to each Planning Board member through the code enforcement office.

B. The application for approval of the Final Plan shall include the following information:

1. Proposed name of the subdivision or identifying title and the name of the municipality in which it is located, along with the assessor's map and lot numbers.

2. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, and made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

3. Location of property lines, existing buildings, watercourses, and other essential existing physical features.

4. The date the plan was prepared, magnetic, grid or true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.

5. The location of any district boundaries affecting the subdivision.

6. The location and size of existing and proposed culverts, and drainage ways on or adjacent to the property to be subdivided.

7. The location, names and present widths of existing and proposed streets, highways, sidewalks, easements, building lines, parks, and other open spaces in the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.

8. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained oy the developer or lot owners are to be maintained shall be submitted. If open space or other land 1s to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

9. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-yearflood elevation shall be delineated on the plan.

7-601 Final Approval and Filing

7-601.1 Filing

Upon findings of fact and determination. that all standards in Title 30-A, M.R.S.A. §404 this Chapter and Ordinance have been met, and upon voting to approve the subdtvis1on, the Planning 3oard shall sign the final plan The Planning Board shall specify in writing its findings of facts and reasons {or any conditions or denial. One (1) copy of the signed plan shall be retained by the Planning Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. Any subdivision not recorded in the Registry of Deeds by the subdivider within ninety (90) days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.

7-601.2 Revisions

No change, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final Plan is first submitted, and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. §4404, this Chapter and Ordinance. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings-to have the plan stricken from the records of the Registry of Deeds.

7-601.3 Acceptance of Street, Easement or Open Space

The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the Rian to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

7-601.4 Construction of Necessary Improvements

Failure to commence substantial construction of the necessary improvements in the subdivision within two (2) years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Registry of Deeds to that effect.

7-701 Performance Standards

In reviewing applications for a subdivision, the Planning Board shall consider the following standards and make finding that each, in addition to standards contained in Title 30-A, M.R.S.A. Section §4404, have been met prior to the approval of a final plan. In all instances, the burden of proof shah be upon the applicant.

7-701.1 Conformance with Comprehensive Plan

All proposed subdivisions shalt be in conformity with the Comprehensive Plan and with the provisions of all pertinent state and local codes and ordinances.

7-701.2 Buffer Provisions

The Planning Board may require that a proposed subdivision design include a landscape plan that will maintain natural buffers adjacent to rivers, brooks, and streams.

7-701.3 Lots

A. All lots shall meet the minimum requirements of the applicable Town of Greene Ordinancesexcept as may otherwise be permitted by this Chapter.

B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.

C. The Planning Board may require the location of structures to be arranged to avoid tops of ridge lines and fields. Whenever possible and feasible the designated area for the placement of structures shall be on the edges of fields.

7-701.4 Water Supply

If a central water supply system is provided by the subdivider, the location and protection of the source and the design, construction and operation of the system shall conform to the standards of the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144 A.C.M.R. 231).

7-701.5 Sewage Disposal

A. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared bya Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rule.

B. On lots in which the minimum depth to seasonal water table, or hydraulically restrictive horizon or minimum depth to bedrock is fifteen (15) inches or less as reported by a licensed site evaluator, a second site with suitable soils shall be shown as a reserve area for future replacement of thedisposal system. The reserve area shall be shown on the Plan and restricted as to not be built upon.

7-701.6 Surface Drainage

A. Where a subdivision is traversed by a stream, river, or surface water drainage way or where the Planning Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a qualified professional knowledgeable in surface drainage.

B. The applicant shall provide a statement from the designing professional that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties Is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.

7-701.7 Land Features

The Planning Board shall require the applicant to take measures as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices to correct and prevent soil erosion in the proposed subdivision.

7-701.8 Phosphorus Export

A. Subdivisions proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below:

	Lake Protection Level	Phosphorus Loads	Allowable Phosphorus Export per Acre (pounds)
Allen Pond	Medium	15.7	0.034
Berry Pond	Medium	1.8	0.15
Deane Pond	Low	0.95	0.356
Hooper Pond	Low	5.4	0.142
No Name Pond	Medium	3.4	0.054
Sabattus Pond	Medium	27.9	0.017

(1) The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

B. Phosphorus export from a proposed subdivision shall be calculated according to the procedures defined in

"Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al. September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted to the Planning Board.

C. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds

7-701.9 Construction in Flood Hazard Areas

When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor including the basement, at least one (1) foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

7-701.10 Mobile Home Parks

These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing mobile home parks.

A. Lot Size, Width and Density

Lots in a mobile home park shall meet the following minimum lot size, width, and density requirements. Minimum requirements shall be based on Title 30-A M.R.S.A. Section 4358.

1. Lots served by individual subsurface sewage disposal systems

   -minimum lot area - 20,000 square feet
   -minimum lot width - 100 feet

2. Lots served by a central subsurface wastewater disposal system

   -minimum lot area - 12,000 square feet
   -minimum lot width - 75 feet

3. The overall density of a mobile home park served by a central subsurface wastewater disposal system shall be no greater than one unit per Z0,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:
   a. the area required for street rights-of-way; and
   b. the area required for buffer strips, if any.

4. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

5. Lots within the area regulated by the Shoreland Zoning Ordinance, Town of Greene shall meet the lot area, lot width, setback and shore frontage requirements set forth in that Ordinance.

B. Lot Setbacks

1. The following lot setbacks shall apply to all manufactured housing units.

   Front setback .....20 feet
   Side setback .....10 feet
   Rear setback.....20 feet

   Setbacks from Town or State maintained streets shall comply with Chapter 3-101.2.A.

2. For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private street within a mobile home park to be varied provided that no home may be closer than (ten} 10 feet from the right-of-way or the rear of any lot and the average distance is at least twenty (20) feet for all units.

3. Carports of non-combustible materials are not subject to side setback requirements.
4. The Planning Board may allow lot side yard setbacks to be reduced to five {5) feet provided thirty (30) feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

C. Lot Coverage

All buildings on the lot including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than fifty (50) percent of the lot area.

D. Buffer Strips

1. A fifty (50). foot wide buffer strip shall be provided along all property boundaries that abut residential land that has a gross density of less than half of that proposed in the park, or no structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

2. Within twenty-five (25) feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist offences, berms, landscaping (such as shrubs and trees) and/or undisturbed natural existing vegetation. This screening shall effectively screen at least fifty (50) percent of the homes from view from the adjacent property and shall be maintained throughout the life of the project

E. Parking

For each mobile home lot, there shall be provided and maintained at least two (2) off-street parking spaces.

F. Street Standards

1. Streets in a mobile home park shall meet the standards contained in Chapter 5 Street Construction Standards and the provisions of this section. Where the standards are at conflict, the stricter standard shall apply.

   a. Private Streets. Privately-owned streets within the mobile home park shall be designed by a professional engineer who is registered in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Maine Manufactured Housing Board.

   b. Streets for Public Acceptance. Streets within mobile home parks that are to be offered for acceptance by the Town of Greene shall meet the minimum street acceptance standards for public streets as required in Chapter 5.

   c. No mobile home lot may have vehicular access directly onto an existing public street, unless a new street is constructed to town standards to serve the mo6Ire home park and accepted as a public street.

2. Right-of-way and pavement width

   a. Two-way park streets shall have a minimum right-of-way of twenty-three (23) feet and a minimum

travel way surface of twenty (20) feet. On-street parking shall be prohibited.

b. One-way streets shall have a minimum right-of-way of eighteen (18) feet and a minimum travel way surface of fourteen {14) feet. On-street parking shall be prohibited.

c. Parking lanes, if provided, shall be a minimum of nine (9) feet in width.

G. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

H. Refuse Disposal

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

I. Skirting

The area between the ground or stand and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit. This skirting may consist of one of the following materials:

1. Approved vinyl or metal mobile home skirting; or

2. A poured concrete wall; or

3. A mortared or loose laid masonry wall; or

4. Painted wood or similar materials.

No subdivision that has been approved as a mobile home park may be converted to another use without the approval of the Planning Board, and shall meet the appropriate lot size, lot width, setback, and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

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

2. No dwelling unit other than a manufactured housing unit shall be located within the park.

7-701.11 Multi-Family Residential

A. The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes.

B. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six (6) feet in height.

C. All multi-family developments of six (6) dwelling units or more shall provide a developed play area no smaller than five thousand (5,000) square feet. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

7-701.12 Municipal Services

When the Planning Board finds, based upon the recommendation of department heads, that municipal services do not have sufficient capacity to service the proposed subdivision, the Planning Board may require the following:

A. Phasing of the subdivision to allow for the development of expanded municipal services;

B. deny the application; and/or

C. Require the applicant to assist in upgrading municipal services.

7-701.13 Open Space Subdivisions

A. It is the policy of the Town of Greene to encourage the development of subdivision designs and layouts that preserve a sense of space, provide for agriculture, forestry, and recreational land uses, preserve other resources identified in the Town of Greene Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Greene.

This standard is intended to implement that policy by providing incentives that afford flexibility in street and lot layout and design and street frontage requirements to the landowner. It also allows the Planning Board to waive or reduce certain otherwise applicable standards and provisions of this Ordinance if such landowners commit to the permanent preservation of important open space, historic, or cultural resources or preservation of traditional residences, structures, and neighborhoods. These incentives are designed to encourage greater flexibility and more innovative approaches to development and environmental design that will promote the most appropriate use of land, preservation of permanent open space or agricultural land forest land important natural features, wildlife habitat, water resources, ecological systems and historic and scenic areas, historic and cultural resources, and historic and traditional neighborhoods for the benefit of present and future residents.

B. A resource preservation subdivision achieves the purposes of this performance standard by reducing the lot size, frontage, and setback requirements. It locates housing, structures, and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest, open space, historic, cultural, and traditional neighborhood resources. These resources are then permanently preserved by covenants and restrictions or conservation easements.

C. An individual may apply for approval of a resource preservation subdivision either after sketch plan review of a conventional subdivision or by initial filing an application for a resource preservation subdivision. In either case, the Planning Board shall review the application in accordance with Title 30-A M.R.S.A. Section §4404 and this Chapter.

1. Pre-application Procedure

Any applicant for a resource preservation subdivision is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

2. Application Procedure

Required Plans: The submissions for a resource preservation subdivision shall include all plans and materials required for a conventional subdivision under this Chapter and Ordinance.

3. General Requirements

In Planning Board review and approval of a resource preservation subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Chapter, Ordinance, and other Town of Greene Ordinances.

a. Use and District Requirements

All resource preservation subdivisions shall meet the use standards of the districts in which they are located.

b. Allowable Density

[1] Allowable density shall be based upon one of the following methods as determined by the applicant:

[a] Net density method which is calculated in the following manner. Determine the buildable

acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

[1] area in proposed rights-of-way;

[2] area of two (2) or more contiguous acres with sustained slopes of twenty (20) percent and greater;

[3] area of wetlands identified as Class I, II and Ill under the Natural Resource Protection Act

[4] area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and

[5] area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required.

[b] Simplified method, which is calculated in the following manner: Determine the number of allowable uses or units by taking sixty-five (65)percent of the total lot area divided by the minimum lot size requirement

[2] For residential development the Planning Board may grant a density bonus of one (1) lot or dwelling unit or each ten (10) lots or dwelling units when it makes a written finding that the resource preservation subdivision satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section 7 701.13.C.4.a-d.

4. Layout and Siting Standards

In planning the location and siting of structures in a resource preservation subdivision, priority should be given to the preservation of the open space for its natural resource value or the historic, cultural, and traditional neighborhood resources for their intrinsic values. Where open space is being preserved, human habitation activity should be located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes. Where historic, cultural, and traditional neighborhood values are being preserved, the design, layout and style of the subdivision and structures shall complement the resources that are being protected or a located in the surrounding area.

a. Where open space is being preserved, the building lots on a parcel shall be laid out and the structures shall be sited according to the following principles. The Planning Board, in its discretion, shall resolve conflicts between these principles as applied to a particular site.

(1) Upon soils least suitable for agricultural use and in a manner that maximizes the useable area remaining for the designated open space use. Where agricultural, forestry, or recreational, whether existing or future uses, are particularly targeted for preservation;

(2) Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland in order to reduce encroachment upon agricultural soils and to enable new development to be visually absorbed by natural landscape features;

(3) In such manner that the boundaries between residential lots or other proposed uses and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, streets or other barriers in order to minimize potential conflict between new uses and agricultural and forestry uses;

(4) In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

b. Where historic or cultural or traditional neighborhood resources and values are being protected, the building lots shall be laid out and the structures sited according to the following principles.

(1) The layout and structures shall preserve and compliment the resources and traditional neighborhood

character, where applicable through setbacks, scale, landscaping, and quality of construction which should all be in keeping with the surrounding uses.

(2) In such manner that the boundaries between proposed uses and existing uses are buffered or screened in keeping with the I:>uffers and screening that exist in the area in order to minimize potential conflict between new uses and existing uses, especially residential uses;

(3) Historic or cultural resources shall be preserved and protected to the greatest extent possible in keeping with the economic feasibility. The Planning Board may require that certain resources be open to the public with such conditions as may be appropriate for the location and type of resource, including being open on an appointment only basis. Or the Planning Board may require that permanent easements be obtained to insure the preservation of such resources.

5. Space Standards

a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required.

b. In all districts except Village I, the required minimum land area per dwelling unit for the building envelope may be reduced to twenty thousand (20,000) square feet or for non-residential structures by 50 percent of the minimum lot size, except that in no case shall the minimum building envelope for non-residential structures be reduced below that needed to meet the impervious area requirements of 3-101.2.G, Space and Bulk Standards. The building envelope shall not include 100-year floodplains, areas of two (2) or more acres of sustained slopes greater than twenty (20) percent, or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, there shall be additional land area in the development equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the district.

In the Village I and II districts, the required minimum land area per dwelling unit for the building envelope shall be 15,000 sq. feet or for nonresidential structures be 50 percent of1he minimum lot size, except that in no case shall the minimum building envelope for non-residential structures be reduced below that needed to meet-the impervious area requirements of 3-101.2.G, Space and Bulk Standards.

For subdivisions preserving open space, the additional area shall be laid out to preserve the agricultural, forestry, or environmental resources the subdivision seeks to protect. Where open space or environmental resources are being preserved, the layout shall provide access and minimal facilities such as trails to ensure that the lot owners in the subdivision can enjoy the benefits of the open space or environmental resources.

c. Minimum street frontage requirements contained Chapter 3-101.2 may be waived or modified by the Planning Board provided that:

[1] Any applicable provisions regarding streets in Subsection 6 below are satisfied; and

[2] Adequate access and tum-around to and from all parcels by emergency vehicles can be ensured by private streets and/or common driveways.

d. A reduction of required setback distances may be allowed at the discretion of the Planning Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than twenty-five (25) feet.

e. No individual lot or dwelling unit shall have direct vehicular access onto a public street existing at the time development unless in the case of developments in theVillage I and11 districts such access is already available to a structure that is beingpreserved and that such access does not constitute a traffic or safety hazard.

6. Streets

The Planning Board shall require private streets and common driveways to comply with the design standards set forth in Chapter 5.

7. Open Space Requirements

In Planning Board review and approval of a subdivision with open space whether primarily intended to preserve open space or to preserve and protect historic, cultural, or traditional neighborhood resources, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Chapter and Ordinance.

a. Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel (such as but not limited to, agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

[1] On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat, recreation (active or passive), and resource conservation.

[2] When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.

b. Notations on Plan. Open space, common lands, streets, or facilities must be clearlylabeled on the final plan as to its use or uses with respect to the portions of the *open* space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

c. Ownership of Open Space Land. Open space land may be held in private ownership; or owned in common by a Homeowners' Association (HOA); transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set forth in section. The Planning Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

8. Land or Homeowners' Associations or Agreements

Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by an owners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, street or open space shall be approved by the Planning Board and included in the deed for each lot.

7-701.14 Access Control and Traffic Impacts

Provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic on existing streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

A. The street giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and be of such physical condition to accommodate the amount and types of traffic generated by the proposed subdivision. If traffic studies indicate improvements are necessary, the applicant shall pay a proportional share to accommodate the amount and types of traffic generated by the proposed subdivision when the town's Road Improvement Program has prioritized such street(s).

When the town's Road Improvement Program has not prioritized the street(s) for improvements, it shall be the responsibility of the applicant to pay for the required improvements.

B. Any subdivision expected to generate average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections with an existing public or private streel or streets on an approved subdivision plan. A minimum of two hundred (200) feet shall be maintained between center lines of such street

to any other street.

C. Where the subdivision lots will be accessed by· off-site public streets, the use of common driveways shall be used where appropriate to minimize the number of entrances to public streets.

D. Where a subdivision will be accessed from Route 202, Allen Pond Road or Sawyer Road shall be limited to two points through common access or shared driveways.

E. Where a lot has frontage on two or more streets, the access to the lot shall, where practical, be provided to the lot across the frontage and from the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians.

7-701.15 Ground Water Quality

A. When a hydrogeologic assessment is submitted, by request of the Planning Board, the assessment shall contain at least the following information:

1. A map showing the basic soil types.

2. The depth to the water table at representative points throughout the subdivision.

3. Drainage conditions throughout the subdivision.

4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision or at the subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance.

6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within one hundred (100) feet of the subdivision boundaries.

B. The subdivision will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State to Drinking Water Regulations, pursuant to 22 M.R.S.A., Section 601.

C. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

D. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed one hundred fifty (150) percent of the ambient concentration.

E. Subsurface wastewater disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking wafer SUP-Plies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

7-701.16 Protection of Significant Wildlife Habitat

Applicants proposing to subdivide land in or within seventy-five (75) feet of wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Planning Board. Any conditions to the approval to wildlife habitat preservation shall appear on the plan and as deed restrictions to the effected lots.

7-701.17 Scenic Locations

The Planning Board shall consider the existence of a scenic site or view location as identified in the Town of Greene Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Planning Board may require the placement or visual qualities of structures on lots in such locations so to minimize the negative impacts of the subdivision on such sites and views.

7-701.18 Archaeological Sites

Any proposed subdivision activity involving structural development or soil disturbance on, or adjacent to, sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review ana comment at least 20 days prior to final approval in the case of a minor subdivision or preliminary approval of a major subdivision by the Planning Board. The Planning Board shall consider comments received from the Commission prior to rendering a decision on the application.

7-701.19 Historic Locations

The Planning Board shall consider a proposed subdivision's impacts on historic buildings and sites as identified in the Greene Comprehensive Plan. When a proposed subdivision will include a historic building or site, the applicant will design the subdivision to minimize the Impacts on the historic building or site.

7-701.20 Endangered and Threatened Species

The planning Board shall consider a proposed subdivisions impacts on state documented endangered species.

7-701.21 Solid Waste

All solid waste shall be disposed of at a Department of Environmental Protection licensed facility.

7-801 Street and Storm Drainage Design and Construction Standards

7-801.1 Street Standards

A. All streets proposed as an element of a subdivision shall comply with Chapter 5, Street Construction Standards except as provided for within this Chapter.

B. All street designs and submissions as required by Chapter 5, Street Construction Standards, shall be submitted as an element of the subdivision application as required by this Chapter.

C. Approval of the Final Plan shall not constitute or be evidence of any acceptance by the Town of Greene of any street or easement.

7-801.2 Storm Water Management Design Standards

A. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

   All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.

B. The storm water management system shall be designed to accommodate upstream drainage taking into account existing conditions and approve or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increase in upstream runoff.

C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

D. Wherever the storm drainage system is not within the right-of-way of a public street perpetual easements shall be provide a to the Town allowing maintenance and improvement of the system.

7-901 Performance Guarantees

7-901.1 Types of Guarantees

With submission of the application for final plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the timespan of the construction schedule and the inflation rate for construction costs:

A. A certified check payable to the town, or a savings account or certificate of deposit naming the town as owner, for the establishment of an escrow account; or

B. A performance bond issued by a surety company payable to the town and approved by the municipal officers; or

C. An irrevocable letter of credit from a financial institution establishing funding for the constructionof the subdivision, from which the town may draw if construction is inadequate, approved by themunicipal officers; or

D. An offer of conditional approval limiting the number of units built or lots sold until all requiredimprovements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Planning Board with the advice of any engineer retained-by the Planning Board, Road Commissioner, and municipal officers.

7-901.2 Contents of Guarantee

The performance guarantee shall contain construction schedule, cost estimates for each major phase of construction taking inflation into account provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default. The guarantee shall state that the town shall have access to the funds to finish construction.

7-901.3 Phasing of Development

The Planning Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those rots abutting that section of the proposed subdivision street which is covered oy a performance guarantee. When development is phased, street construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

7-901.4 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

7-901.5 Default

If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the municipal officers, the Planning Board, and the subdivider or contractor. The municipal officers shall take any steps necessary to preserve the Town's rights.

7-901.6 Privately-Owned Streets

Where the subdivision streets are to remain privately-owned streets, the following words shall appear on the

recorded plan.

"All streets in this subdivision shall remain private streets to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

7-110 Waivers

7-110.1 Waivers

Where the Planning Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Chapter are strictly applied, it may waive the necessity for strict compliance with the requirements of this Chapter in order to provide relief from the hardship in question and to permit a more practical and economic development. However, this shall not compromise the public health, safety, and welfare and the waivers in question shall not have the effect of nullifying the effect of this Chapter, Ordinance, or the comprehensive plan.

7-110.2 Requirement

In granting waivers to any of these standards in accordance with Sections 7-110.1, the Planning Board shall require such conditions as that will assure the objectives of these regulations are met.

7-110.3 Recording

When the Planning Board grants a waiver to any of the improvements required by this Chapter, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date that they were granted.

7-111 Inspection and Enforcement

7-111.1 Inspection of Required Improvements

A. At least five (5) days prior to commencing each major phase of construction of required improvements, the subdivider or contractor shall notify the Code Enforcement Officer in writing when construction of improvements will begin. The municipal officers shall cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

B. If the inspecting official finds, upon inspection of the improvements, that any of the required improvements have not been constructed in accordance with the plans and specifications fired by the subdivider he shall so report in writing to the municipal officers, Planning Board, and the subdivider or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

C. If at any time before or during the construction of the required improvement r1 it appears to be necessary or desirable to modify the required Improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstance such as encounters with hidden outcrops of bedrock, natural springs, etc. The Inspecting officia1 shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way property boundaries, changes of grade by more than one (1) percent etc., the subdivider shall obtain permission to modify the plans from the Planning Board.

D. Prior to the sale of any lot, the subdivider shall provide the Planning Board with a letter from a registered land surveyor, stating that all monumentation shown on the plan has been installed.

E. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine may Be required by the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements.

F. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks and maintenance until acceptance of the improvements by the municipality.

7-111.2 Violations and Enforcement

A. No plan of a division of land within the municipality that would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.

B. No person, firm, corporation, or other legal entity may convey, offer, or agree to convey any land in a subdivision that has not been approved by the Planning Board and recorded in the Registry of Deeds.

C. Any person, firm, corporation, or other legal entity who conveys, offers, or agrees to convey any land in a subdivision that has not been approved as required by these regulations shall be punished by a fine of not less than $100, and not more than $2,500 for each such conveyance, offering or agreement. The Town may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.

D. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.

E. No person shall establish or develop a subdivision without first having a final plan thereof approved by the Planning Board." Develop" shall include grading or construction of streets, grading of land or lots, or construction of any buildings.

7-712 Appeals

An aggrieved party may appeal any decision of the Planning Board under this Chapter to the Board of Appeals within thirty (30) days of the date the Planning Board issues a written order of its decision.

AMENDED: March 8, 2003
AMENDED: March 7, 2009
AMENDED: June 18, 2022

Chapter 8

8-101 Appeals

8-101.1 Board of Appeals

The Board of Appeals as established in accordance with Title 30-A, M.R.S.A., Section 2691 and the Board of Appeals Ordinance for the Town of Greene shall process appeals in accordance with Title 30-A M.R.S.A., Section 4353, the Board of Appeals Ordinance for the Town of Greene and the provisions of this Chapter.

8-101.2 Powers and Duties

A. Administrative Appeals

To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Building Inspector or Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision, or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

When the Board of Appeals reviews a decision of the Building Inspector or Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

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 words "undue hardship" shall mean:

    a. That the land in question cannot yield a reasonable return unless a variance is granted;

    b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

    c. That the granting of a variance will not alter the essential character of the locality; and

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

2. The Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance including without limitation the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

3. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance and all subsequent owners or occupants shall comply with any conditions imposed.

4. A variance is only authorized for dimensional requirements, including but not limited to lot width, structure height, percent of lot coverage, and setback requirements of this Ordinance.

5. All variances granted shall be recorded by the applicant in the Registry of Deeds as required by Title 30-A M.R.S.A. Section 4353.5. Any variance not so recorded within ninety (90) days of the date of the decision shall be void.

6. A copy of each variance request in the Shoreland Zone, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

C. Further Appeal

The decision of the Board of Appeals may be taken, within forty-five (45) days from the date of the decision is rendered by an aggrieved party to Superior Court in accordance with the Maine Rules of Civil Procedure.

8-101.3 Appeal Procedures

An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Building Inspector, Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in 8-101.2.A above.

A. Filing

Appeals shall be filed with the Town Clerk not more than thirty (30) days of the date of the official written decision being appealed. A filing fee as established in Chapter 10 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 thirty (30) days of the acceptance of a complete appeal application. The Board of Appeals shall notify the Selectmen, Building Inspector, Code Enforcement Officer, Planning Board, and the owners of the property abutting that for which the appeal is taken, at least twenty (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 twenty (20) 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 thirty (30) days of the date of the final hearing, the Board of Appeals shall reach a decision on the appeal and shall inform the appellant, The Planning Board, the Building Inspector, Code Enforcement Officer, and the Selectmen, in writing. For appeals in the Shoreland Zone the Board of Appeals shall cause written notice of its decision to be mailed or hand-delivered to the Department of Environmental Protection within seven (7) days of the decision.

AMENDED: March 7, 2009

Chapter 9

9-101 Building Standards for the Town of Greene

9-101.1 Purpose

To provide for safety, health, and public welfare through the regulation of construction and relocation of structures, providing for permits and prescribing penalties for violation.

9-101.2 Scope

The provisions of this chapter shall apply to new construction, manufactured homes set up after March 7, 1970, additions, and relocation of any dwelling or part thereof.

9-101.3 Building Inspector/Code Enforcement Officer

This chapter shall be administered by the Building Inspector/Code Enforcement Officer who shall be appointed by the municipal officers.

A. Inspector

The Building Inspector/Code Enforcement Officer will inspect all dwellings being constructed or relocated for the purpose of enforcing the provisions of this chapter, and all other local and State laws governing the construction of buildings.

B. Right of Entry

The Building Inspector/Code Enforcement Officer, and/or his or her assistant, in performance of his or her duties, may enter any building for the purpose of making the inspection required by this chapter.

9-20 Permit

Before the construction, placement or relocation of any structure or part thereof that requires a permit 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/Code Enforcement Officer 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.

9-201.1 Application

The application for the permit shall be in writing and shall be made in such a form as the Building Inspector/Code Enforcement Officer shall prescribe and shall contain a description of the proposed new or relocated building. For any permit which involves plumbing and/or the installation of a subsurface wastewater disposal system a valid Plumbing Permit issued by the Local Plumbing Inspector must accompany the application. The soil evaluation test must meet the requirements of the state of Maine Subsurface Wastewater Disposal Rules 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.

9-201.2 Permit Approval

The Building Inspector/Code Enforcement Officer, after determining the application is complete, shall either issue the requested permit or transmit notice of refusal within seven (7) days of the determination of a complete application. Notice of refusal shall be in writing and shall state the reasons therefor.

9-201.3 Life of Permit

All building permits shall be void unless work thereunder has a substantial start within one (1) year from the date of issuance and if the work is not substantially completed within two (2) years from the date of issuance.

9-201.4 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.

9-201.5 Fees

All applications for a permit shall be accompanied by a fee according to Chapter 10.

9-301 Installation of Public Utility Service

A public utility or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

9-401 Standards

9-401.1 Foundations

All dwellings shall be set upon permanent complete foundations of solid rock, poured concrete, or concrete blocks, masonry, or concrete slabs. Concrete posts or partial foundations do not meet the requirements of this chapter. No dwelling, or manufactured home shall be constructed or moved onto the lot until the foundation is complete and the unit can be set upon the finished foundation.

9-401.2 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.

9-401.3 Exterior Finish

The exterior walls shall be finished with a covering of clapboards, wood-siding, wood or asphalt, masonry, brick or stone or other approved material. Such coverings shall be completed within two years from the date of issuance of the Building Permit. Tarred paper, tarred felt, or exterior vapor barrier (Tyvek or Typar) or similar materials shall not be used unless completely hidden from view by the finished exterior wall covering.

9-401.4 Roof Covering

The roof shall be covered with noncombustible or fire-resistant materials. Untreated wooden shingles are prohibited.

9-401.5 Chimneys

Chimneys will be of construction approved by the inspector in accordance with most recent edition of NFPA 211, Standard for Chimneys, Fireplaces, Vents, and Solid Burning Appliances.

9-401.6 Vent pipes

Vent pipes 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 inches, or at least five inches in brick or other non-combustible material between the pipe and the combustible material.

9-501 Violations

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

9-501.1 Penalty

Any person found guilty of violating any provisions of this chapter shall be subject to a fine as set forth in Title 30-A M.R.S.A. Section 4452. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

Chapter 10

10-101 Fees

10-101.1 General

A. All applications for a permit, appeal, variance, site plan review, subdivision approval or other review required by this Ordinance shall be accompanied by the following fee. No application for a permit, appeal, variance, site plan review, subdivision approval or other review required by this Ordinance shall not be considered complete until the required fee is received.

B. The Municipal Officers shall have the authority from time to time to revise the fee schedule after public hearing.

C. Application fees shall be paid by check payable to the Town of Greene, Maine and shall not be refundable.

D. The Applicant shall be responsible for any costs incurred in addition to those listed herein, including, but not limited to registering plans, copying documents, and informing abutters.

10-201 Fee Schedule [Amended January 23, 2006]

10-201.1 Building Permit

Base fee	$25.00 and B
Residential/Mobile home	$0.25 per sq. ft. of primary and accessory structures. No maximum.
Commercial	$0.30 per sq. ft.

10-201.2 Street Construction/Alteration

Street construction/Reconstruction	$100.00

This application fee shall be waived if the street is being reviewed as an element of a Site Plan Review or Subdivision application.

In addition to the application fee the Planning Board may charge the applicant for costassociated with professional technical review of the application.

10-201.3 Home Occupations

Home occupation not requiring a Code Enforcement Officer or Planning Board Permit	No fee
Home occupation requiring a Code Enforcement Officer	$25.00
Home occupation requiring a Planning Board Permit	$50.00

10-201.4 Site Plan Review

First-time Application: Commercial	$1000.00
First-time Application: Residential	$250.00
Change in use	$75.00
Substantial enlargement	$75.00
Resumption of use	$75.00
Amendment to approved plan	$50.00

In addition to the application fee the Planning Board may charge the applicant for cost associated with professional technical review of the application.

10-201.5 Subdivision Review

Application fee	$250.00 first lot, $100.00 per lot thereafter
Amendment to approved plan	$50.00 first lot; $100.00 per lot thereafter

In addition to the application fee the Planning Board may charge the applicant for cost associated with professional technical review of the application.

An Escrow Account, in the name of the Applicant, shall be established for each Subdivision Review with the initial payment to the Planning Board set at $250.00 per lot. These funds shall be used to assist the Planning Board with the cost associated with professional and technical review of the Application. Upon expenditures of 75% of the escrowed amount, the Planning board may, at its discretion, require additional funds to be placed into the account. Any and all funds unused and remaining in the escrow account at completion of the Subdivision Review shall be returned to the Applicant. The Planning Board shall maintain and provide the Applicant with an accounting of all expenditures upon completion of the Review.

10-201.6 Appeals

Administrative appeal	$100.00
Variance appeal	$100.00
Filling, earth-moving, and storage of material of more than one hundred (100) cubic yards	$10.00

10-201.7 Reserved

10-201.8 Individual Lot Phosphorus Management Permit

Individual lot phosphorus management permit	$25.00

10-201.9 Other Permits and Approvals

Expansion/Change of nonconforming use/Structure	$50.00
Other Planning Board permits	$25.00
CEO	$25.00
Pool permit	$25.00
Temporary vendor permit	$25.00
Mobile vendor permit	$25.00
Driveway entrance permit	$25.00

AMENDED August 23, 2021

Chapter 11

11-101 Temporary, Mobile Vendor Permits

11-101.1 Purpose

The purposes of this chapter are:

A. To provide municipal review of temporary, mobile vendors that may wish to operate in the town from mobile stands, vehicles, wagons, or similar facilities and that would not otherwise be subject to Chapter 6, Site Plan Review.

B. To promote and protect the health, welfare, and safety of the residents of the Town of Greene and people using highways within the town of Greene.

11-101.2 Applicability

A. All temporary, mobile vendors shall obtain a permit from the Code Enforcement Officer prior to opening for or conducting businesses in the town of Greene.

B. A Permit is not required for Vendors who are owned and operated by Not-for-Profit, educational, charitable, or community service entities located in the town of Greene or towns in the surrounding area including public schools, clubs, and associations.

11-102 Administration

11-102.1 Code Enforcement Officer

A. The Code Enforcement Officer shall review and approve, approve with conditions or deny all applications for a Temporary, Mobile Vendor Permit.

B. The Code Enforcement Officer shall utilize the following procedures for review of the permit.

1. The applicant shall submit two (2) copies of an Application on the forms provided. Upon receiving the application, the Code Enforcement Officer may issue the permit, deny the permit, or issue the permit with conditions based on the criteria set forth following.

If an application is denied, the Code Enforcement Officer shall make a written finding, a copy of which shall be given to the applicant.

11-202 Application Requirements

The written application shall contain the following information:

1. Name
2. Permanent Address
3. Temporary Address, if applicable
4. Permanent Phone
5. Temporary Phone number, if applicable
6. State Tax Identification Number, if applicable
7. Types of services (s) or commodities to be offered for sale
8. Location of Operation
9. A complete description of vehicles, stands, carts, wagons, or other facilities to be used and/or parked on site.
10. Method to dispose of solid and/or liquid wastes including provisions for personal sanitation.
11. A sketch of the setup, including parking for customers.

11-203 Standards

A. The vending operation, including any personal vehicles, shall not create a safety hazard for traffic or pedestrians in parking areas where such vendors may set up.

B. The vending operation, including any personal vehicles, shall not create a traffic or pedestrian hazard along public roads or private roads that are open to the public.

C. In determining whether a traffic or pedestrian hazard has been created, the Code Enforcement Officer shall consider traffic and pedestrian patterns, ability of customers to pull their vehicles completely off of the road, ability of customers to fully enter parking areas so as not to block other vehicles wishing to stop from completely pulling off of the road, and encroachment on sidewalks, road shoulders and bicycle lanes.

D. The vending operation shall have adequate provisions for personal sanitary facilities so as not to create a nuisance, create pollution, or create a health hazard for customers.

E. The vending operation shall provide for disposal of any liquid or sanitary waste or litter created at or by the operation.

F. The vendor may be located on public land or private land upon which said vendor has written permission to operate. The vendor shall not have any acquired interest in any private land upon which said vendor wishes to operate. If located on public land, the vendor shall have the permission of the Greene Board of selectmen either individually or as a general approval to allow vendors for a special event specified in section 11.101.2.

G. The vendor's products and equipment shall be completely removed and the site left substantially the same as prior to the vending operation at the completion of the 120-day period.

11-204 Appeals

Any party aggrieved by the decision of the Code Enforcement Officer may apply to the Planning Board for a permit or may request a review of a permit issued by the Code Enforcement Officer if the aggrieved party requests to be placed on the Planning Board agenda within 30 days of the Code Enforcement Officer's decision. Further appeal will be in accordance with Chapter 6 of this ordinance.

Chapter 12

12-101 Definitions

12-101.1 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.

12-101.2 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.

ABUTTER- The owner(s) of property sharing a common boundary with a given piece of property, whether or not these properties are separated by a public or private street or right of way, The owners of property shall be considered to be the parties listed by the Tax Assessor of Greene as the ones against whom taxes are assessed.

ACCESSORY STRUCTURE OR USE- A separate use or structure which is customarily both incidental and subordinate to the principal structure and is on the same lot only. The term "incidental" in reference to the principal structure shall mean both a) subordinate and minor in significance to the principal structure, and b) attendant to the principal structure. Such accessory structures, 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.

ADULT BOOK, VIDEO AND/OR ENTERTAINMENT STORE- An establishment having as a substantial or significant portion of it stock in trade in sexual devices, printed or video material including, but not limited to, magazines, books, pictures, photographs, videos, computer video or connection, or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.

ADULT ENTERTAINMENT FACILITY- An establishment devoted to adult entertainment, either with or without a liquor license, presenting material, either live or via film, video, computer, or other media, and distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas or featuring topless dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons. Entertainers shall include employees, contracted firms offering such entertainers, and patrons who may beencouraged to perform in a sexually explicit manner or display anatomical areas.

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 confined feeding operations, forest management and timber harvesting activities.

AGRICULTURAL RELATED SALES AND SERVICES- The use of buildings or land for sale of equipment, products, or services to those primarily engaged in agricultural and forestry activities.

AGGRIEVED PARTY- An owner of land whose property is directly or indirectly affected by the granting or denial of an

approval, permit, or variance under this Ordinance; a person whose land abuts land for which an approval, 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 approval, permit or 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.

AQUICULTURE- The growing or propagation of harvestable freshwater, plant, or animal species.

AUTOMOBILE GRAVEYARD- A yard, field or other area used as a place of storage, other than temporary storage of up to one hundred twenty (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 three (3) or more unserviceable, discarded, worn out or junked motor vehicles as defined in Title 29, section 1, subsection 7, or parts thereof.

BACKLOT- Any lot or parcel of land that does not have frontage on a public street or privately- owned street meeting the standards contained in Chapter 5, Street Construction Standards.

BASAL AREA- The area of cross section of a tree stem at 4 1/2 feet above ground level inclusive of bark.

BASEMENT- Any portion of a building with a floor to ceiling height of six (6) feet or more and having more than 50% of its volume below the existing ground level.

BUILDING- See STRUCTUREBUILDING PERMIT- The official written document to be displayed at the construction site that grants the authorization for the construction. This document 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.

CANOPY - The more-or-less continuous cover formed by tree crowns in a wooded area.

CHANGE OF USE- Any action which alters an existing or proposed use of a property to any other use. The change will be in the actual function or type of business occurring or proposed for the property and shall not be limited to the categories of uses as set forth in Chapter 3. 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.

COLLECTOR STREET- A Collector Street shall be those streets and roads classified by the Maine Department of Transportation as either Major or Minor Collectors according to the Federal Functional Classification System.

COMMERCIAL COMMUNICATION TOWER- Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless service, cellular phone service, specialized mobile radio communications (SMR) common carrier wireless exchange phone service, specialized mobile radio communication (SMR), common carrier wireless exchange access service, and personal communications service (PCS) or pager service.

COMMERCIAL RECREATION- Any commercial enterprise that receives a fee in return for some recreational activity.

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 buildings and/or dwelling units.
COMMON DRIVEWAY A vehicular access-way serving two (2) single-family dwellings that provides access to a street.

CONFINED FEEDING OPERATIONS- Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations

restricted to small areas.

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

CONGREGATE HOUSING- Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes.

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 (2) intersecting streets.

DIMENSIONAL REQUIREMENTS- Numerical standards relating to spatial relationships including but not limited to setback, lot area, street frontage and height.

DIRECT WATERSHED OF A GREAT POND- Any land area that contributes stormwater runoff either by surface water or subsurface flow to a great pond without such runoff traveling through another great pond

DISABILITY- Any disability, infirmity, malformation, disfigurement, congenital defect, or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a psychologist as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

DITCH- A natural or constructed waterway or outlet shaped or graded to form a parabolic cross section, for safe conveyance of runoff.

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

DRIVEWAY- A vehicular access-way serving one (1) lot that provides access to a street.

DUPLEX OR TWO-FAMILY DWELLING- A structure that provides living accommodations for two (2) 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 structure.

DWELLING- A building or structure of portion thereof used for residential purposes.

EARTH MOVING- The removal of earth from its original position.

ECHO UNIT- Elderly Cottage Housing Opportunity-A small residential living area (not more than 600 square feet of floor area) contained in a structure placed or constructed to the side or rear of an existing single-family dwelling to be occupied by one or two people who are (a) age is 62 or older or (b) disabled, who are related by birth, marriage, or adoption to the occupants of one principal residence, and who benefit from living close to the family.

ELDERLY HOUSING COMPLEX- A dwelling complex that is occupied by a minimum of ten (10) persons 62 years of age or older and/or handicapped persons as a residential living environment with other persons 62 years of age or older and/or handicapped persons.

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 orinjury.

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 footprint or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches, and greenhouses

EXPANSION OF USE- The addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground 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.

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

FOOTPRINT- The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios or decks.

FORESTED WETLAND- A freshwater wetland dominated by woody vegetation is six (6) meters tall or taller.

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

FRESHWATER WETLAND- Water Wetland- Means freshwater swamps, marshes, bogs, and similar areas which are:

a. Inundated or saturated by surface or ground water 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; and
b. Not considered part of great pond, river, stream, or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

FRESHWATER WETLAND (Shoreland Zone)- Freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands which are:

a. of ten or more contiguous acres; or of less than 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 10 acres; and
b. inundated or saturated by surface or ground water 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 stream channels or inclusions of land that do not conform to the criteria of this definition.

FUNCTIONALLY WATER DEPENDENT USES- Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general

public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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

GREAT POND- Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREAT POND CLASSIFIED GPA- Any great pond classified GPA, pursuant to Title 38, M.R.S.A. Article 4-A.

GROUND COVER- Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

HAZARD TREE- A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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.

HOME OCCUPATION- An occupation conducted entirely within a dwelling or accessory structure by a member or members of the immediate family residing thereon which is clearly incidental to the residential use.

IMPERVIOUS SURFACE- Roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt. Paving, gravel, packed earthen materials, and macadam or other surfaces which similarly impeded the natural infiltration of stormwater.

INCREASE IN NONCONFORMITY OF A STRUCTURE- Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase the nonconformity. For example, there is no increase in nonconformity if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure.

INDIVIDUAL PRIVATE CAMPSITE- An area of 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 a gravel pad, parking area, fireplace, or tent platform.

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

INDUSTRIAL PARK-

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

a. Automobile graveyards (as defined by M.R.S.A. Title 30-A, Sections 3751-3760).
b. Discarded, worn out or junked plumbing, heating supplies, household appliances and furniture.
c. Discarded scrap and junked lumber.
d. 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;
e. 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. See also: TRACT

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 for a single use.

LPI- Licensed Plumbing Inspector

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

MARINA- A business establishment having frontage on navigable water and, as its principal use, providing for hire moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and equipment, boat and tackle shops, and boat fuel service facilities.

MARKET VALUE- The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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 Its original condition.

MINERAL EXTRACTION- Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site.

MINOR STREET- A street servicing less than nineteen (19) lots or dwelling units.

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 (3) or more manufactured homes. (As contained in State Law.)

MOBILE HOME PARK LOT- 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-FAMILY RESIDENTIAL- A residential structure containing three (3) or more residential dwelling units.

NATIVE- Indigenous to the local forests.

NATURAL RESOURCE BASED PROCESSING/MANUFACTURING- The processing and manufacturing of products primarily from raw natural resources, such activities include but are not limited to sawmills, vegetable and fruit packing and processing, and dairy product processing.

NEIGHBORHOOD COMMERCIAL- Commercial use with less than 1,500 square feet of floor area intended to serve the convenience of primarily residential neighborhoods.

NONCONFORMING CONDITION- Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMING 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 Ordinance.

NONCONFORMING RIGHT OF WAY-A right-of way, other than those on which a public way maintained by the Town of Greene or the State of Maine is located or a private way shown on a recorded plan and approved by the Planning Board,

that is less than sixty (60) feet in width.

NONCONFORMING STREET -A vehicular way other than those maintained by the Town of Greene or the State of Maine, not meeting the standards of Chapter 5, Street Construction Standards.

NONCONFORMING 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 effect.

NONCONFORMING 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 effect.

NON-NATIVE INVASIVE SPECIES OF VEGETATION- Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

NORMAL HIGHWATER LINE- That line, which is apparent from visible markings, changes in thecharacter of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydricsoils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond

NUISANCE-

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

OUTLET STREAM- Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

PARCEL – See TRACT

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

PIERS, DOCK, WHARFS, BRIDGES, AND STRUCTURES- Any uses extending over or beyond the normal high-water line or within a wetland:

a. Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
b. Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

PRINCIPAL STRUCTURE- A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

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

PRIVATELY OWNED STREET- A street which is not intended to be dedicated as a town way.

PUBLIC FACILITY- Any facility, including, but not limited to, buildings, property, recreation areas, and streets, 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.

PUBLIC WAY- An area or strip of land designated and held by the municipality or the State of Maine for the passage and use of the general public by motor vehicle.

OUTLET STREAM- Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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 its tires on the ground and must be registered with a State Division of Motor Vehicles.

RENOVATION- Any improvement to the exterior that requires an electrical or plumbing permit and that is not an alteration, new construction, or enlargement.

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.

RESUMPTION OF USE- The reestablishment of the former use or activity.

RIGHT-OF-WAY (R.O.W.)- A strip of land acquired by fee simple, reservation, dedication, prescription, or condemnation. The land reserved for the passage over land of another. The total width of the land area within which a public or private street is located or to be located.

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.

RIVER- A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

ROAD- See *STREET*

SAPLING- A tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

SEEDLING- A young tree species that is less than four and one half (4.5) feet in height above ground level.

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 includes, but is not limited to, items such as truck trailers or bodies used for storage purposes.

SERVICE DROP- Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
    a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right- of-way; and
    b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
    a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
    b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

SERVICES- Uses that provide a service rather than a product including banking, insurance, real estate, hotels, personal services, business services and, health services

SETBACK- The minimum horizontal distance from a lot line, right of way or normal high-water line of a water body, tributary stream, or upland edge of a wetland to the nearest part of a structure.

SHORE FRONTAGE- The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND ZONE- The land area located within two-hundred fifty (250) feet, horizontal distance of the normal high-

water line of any great pond or river; within two-hundred fifty (250) feet horizontal distance of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

SIGN- Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGNIFICANT VIEW LOCATION- Points where scenic views can be accessed as identified in the Greene Comprehensive Plan.

SINGLE-FAMILY DWELLING- A structure containing only one (1) dwelling unit for occupation by not more than one family.

STORAGE OF MINERALS- The stock piling of topsoil, loam, rock, sand, gravel, or other similar materials on a site to be moved to another location at a future date.

STORM DAMAGED TREE- A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

STREAM (Shoreland Zone)- 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, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

STREAM, RIVER, or BROOK- A channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics:

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
B. It contains or is known to contain flowing water continuously for a period of at least three (3) months of the year in most years.
C. The channel bed is primarily composed of material such as sand and gravel, parent material, or bedrock that has been deposited or scoured by water.
D. The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, in the stream bed.
E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream, or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

STREET- A vehicular public way maintained by the Town of Greene or the State of Maine, a private vehicular way shown on a recorded plan and approved by the Planning Board or a vehicular way meeting the standards of Chapter 5 Street Construction Standards. The term street does not include driveways, common driveways, farm roads or logging roads.

STREET NEW CONSTRUCTION- See Chapter 5.102-12.

STREET RECONDITIONING- The replacement of the wearing surface or the overlying of a new wearing surface over the existing surface. Street reconditioning may include the placement of new base material and shoulder grading. Street reconditioning shall not include the placement of new sub-base material on 50% or more of the project length.

STREET RECONSTRUCTION- The rebuilding, including new sub-base on 50% and more of the project length, pavement, shoulders, and ditches, of a street or section of a street.

STRUCTURE- Anything temporarily or permanently located, built, constructed, or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface wastewater disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water

wells as defined in Title 32, section 4700-E, subsection 8.

SUBDIVISION- The division of a tract or parcel of land into three or more lots as defined by State law and in addition shall include developments where there are three or more units involved such as mobile home parks, multiple family housing, apartment houses, multiple housing units, mini malls, shopping plazas, business complexes, condominiums, shopping centers and industrial parks.

SUBDIVISION, MAJOR- Any subdivision containing more than five (5) lots or dwelling units, or units in a shopping center or similar commercial establishment or any subdivision containing a proposed street.

SUBDIVISION, MINOR- Any subdivision containing not more than five (5) lots or dwelling units, and in which no street is proposed to be constructed or units in a shopping center or similar commercial establishment.

SUSTAINED SLOPE- A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

SUBSTANTIAL COMPLETION- The progression of work to the point where the structure or improvement is habitable or usable for the purpose(s) intended without presenting a health or safety hazard to the occupants, users, employees, or customers and without creating a potential environmental problem due to erosion control, stormwater management, or wastewater disposal as determined by the Building Inspector/Code Enforcement Officer. It shall include, but not necessarily be limited to adequate plumbing, an electrical system in accordance with the State Electrical Code, completed but not necessarily painted, interior partitions of main rooms, windows, exterior doors, final roofing, and permanent site work and vegetation or other means to control erosion and manage stormwater.

SUBSTANTIAL ENLARGEMENT- The expansion of the land area of the development site or the expansion of the floor area of any structure by either five hundred (500) square feet or twenty-five (25) percent in area (whichever is less provided such expansion involves at least two hundred fifty (250) square feet) within any five (5) year period.

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- Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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 one hundred (100) square feet is considered to be a structure.

TEMPORARY, MOBILE VENDOR- A seller of goods or services at a location or locations in the town of Greene whose primary facility is not permanently affixed to the earth such as, but not limited to, a motor vehicle, cart, wagon, tent, or stand for a period not to exceed 120 days from the date of issuance of the permit. Said vendor may be located on public land or private land upon which said vendor has written permission to operate. The vendor shall not have any acquired interest in any private land upon which said vendor wishes to operate.

TIMBER HARVESTING- The cutting and removal of timber for the primary purpose of selling or processing forest products. “Timber harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting.

TRACT (or PARCEL) of LAND- All contiguous land in the same ownership, whether or not the land is separated at any point by an intermittent or non-navigable stream provided that lands on the opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road unless in subdivision.

TREE- A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

TRIBUTARY STREAM- Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

UPLAND EDGE OF A WETLAND- The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

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 Code Enforcement Officer and/or 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 Chapter 8.

VEGETATION- All live trees, shrubs, and other plants, including without limitations, trees, both over and under four (4") inches in diameter, measured four and one half (4.5) feet above ground level.

VERNAL POOLS-

VOLUME OF A STUCTURE- The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WAREHOUSING- A structure used primarily for the storage of goods and materials.

WETLAND- See *FRESHWATER WETLAND*

WATER BODY- Any great pond, river, or stream.

WATER CROSSING- Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

WOODY VEGETATION- Live trees or woody, non-herbaceous shrubs.

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

AMENDED: March 8, 2003
REVISED: October 31, 2008
AMENDED: March 7, 2009
AMENDED: March 6, 2010
AMENDED: June 18, 2022