

August 6, 2007 Proposed corrections, clarifications, amendments

At this time the full text of the Town of Edgecomb Land Use Ordinance consists of the text as found bound in a lavender cover labeled “Amended September 20, 2006” together with amendments regarding large scale developments as approved by Town Meeting in 2007. There is a supplemental index for the bound text.

Proposed changes to the text paginated per “Amended September 20, 2006”:

~~Strikethrough~~ indicates a deletion, **boldface** (sometimes underlined) indicates an addition.

3 : I, 8.2

Accessory Use or Structure: A use or structure that is customarily both incidental and subordinate to the principal use or structure on the same lot only. The term “incidental” in reference to the principal use or structure shall mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use ~~of~~ **or** structure.

6 : I, 8.2

Elevated Building: A non-basement building built, in the case of a building in Zones A1-30, AE, A, AO, or AH, to have the top of the elevated floor, elevated above ground level by means of pilings, columns, post, piers, or “stilts,” and adequately anchored so as not to impair the structural integrity of the building during a flood ~~or~~ **of** up to one foot above the magnitude of the base flood. In the case of Zones A1-30, AE, A, AO or AH Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

12 : I, 8.2 (delete redundant definition of “Mean Sea Level” in printed copy.)

15 : I, 8.2 *Suggest deletion of definition, and incorporation in IV : 2.12 and 2.4.12.*

~~Resource-Based Subdivision Development: A subdivision wherein each principal dwelling unit does not occupy a lot meeting the minimum dimensional requirements for the district in which it is located, but where the overall net residential density (number of dwelling units per acre) does not exceed that established in each district in which it is located except as provided in Section 2.4.8.1 of the Resource-based Subdivision Development Regulations. In addition, area in the Resource Based Subdivision Development which is not developed by principal dwelling units and their accessory uses, or area located elsewhere and designated by the subdivider, shall be preserved in perpetuity as open space.~~

17 : I, 8.2

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps **less than two feet high**, and railings, **except railings for steps less than two feet high or required for safety**. Roof overhangs of less than two feet may project into a required setback.

18 : I, 8.2

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, ~~or if not available, a 15 minute series topographic map~~, to the point where the body of water becomes a river.

22 : I, 9

Section 9 - Fees

Any permit obtained after the fact, providing that all provisions of the applicable ordinance have been met, is subject to doubling of the actual permit fee and any other penalties or fees that apply.

In addition to the fees listed below, a fee may be charged if the Code Enforcement Officer, Planning Board, ~~and/or~~ Board of Appeals need the assistance of an **attorney**, professional engineer, or other expert. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Code Enforcement Officer or Planning Board may appeal that decision to the Board of Appeals. **A deposit of not less than the estimated expert's fee shall be paid upon determination that an expert's assistance is required.** The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order.

Each application for a permit shall be accompanied by the fee specified.

Building Permits

New, relocated or altered commercial structure:	\$100 or \$0.20 per sq. ft. whichever is greater
New, relocated, or altered house, cottage or mobile home - 1 to 2,500 sq. ft.	\$0.10 per sq. ft.
2,501 or more sq. ft.	\$0.15 per sq. ft.
Minimum	\$50.00
Swimming pool including paved/deck area	\$0.10 per sq. ft.
New or relocated pier, ramp, float, wharf, garage, barn, workshop, addition, or any other structure	\$50 min./\$0.10 per sq. ft..

Planning Fees

Subdivision with 0-5 dwelling units	\$200 per dwelling unit
Subdivision with 6-10 dwelling units	\$300 per dwelling unit
Subdivision with 11-15 dwelling units	\$400 per dwelling unit
Subdivision with 16 or more dwelling units	\$500 per dwelling unit
Subdivisions	\$1000, plus \$400 per parcel or dwelling unit in excess of five

Floodplain Application Fee:	\$100
Mobile Home Park Application fee for each lot or unit	\$100
Shoreland Zoning Application Fee	\$100
Sign application - One-time fee per new business	\$35
After the fact additional fee	\$100
Site Plan Review Application fee: \$20 per 1000 square feet of building floor area and/or occupied ground, or fraction thereof	
Minimum application fee	\$200

Appeals

Appeal application fee— all ordinances	\$100
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31 : II, 1.1

...

EDGECOMB GATEWAY DISTRICT (EGD)

...

32 : 2.3.2

... Central Maine Power Easement.

45 : III, 1.9.1.6

1.9.1.6 A lot in the Limited Residential District, ~~in~~ the General Development District, **Resource Protection District**, or Stream Protection District abutting a wetland, lake, pond, river, stream or tidal water shall have a minimum shore frontage of two hundred (200) feet measured in a straight line between the points of intersection of the side lot lines with the shoreline at the normal high water mark.

55 : 1.9.14.2.7

1.9.14.2.7 Except for water crossings, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, shall be located such that ...

77 : III, 2.7.10.1

2.7.10.1 Enclosed areas are not “basements” as defined in Article ~~Article~~ I, Section 8, and

79 : III, 2.9.5

2.9.5 Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Section 2.7 ~~or of~~ this Ordinance and that such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer

any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

94 : III, 4.3.2

4.3.2 No Official Business Directional Sign pertaining to a business located outside of Edgecomb is permitted within the Town of Edgecomb, **except that An Official Business Directional Sign may be approved for a point of cultural and/or educational interest within a radius of ten miles.**

4.3.3 Certification of an application to the Commissioner of Transportation for an Official Business Directional Sign as to compliance with this Ordinance shall be made by the Code Enforcement Officer if so found.

98 : III, 5.3.1.17

5.3.1.17 Contour lines at an interval of not more than 2 feet, referenced to U. S. Coastal and Geodetic Survey benchmarks ~~if such exist within 1,000 feet of the property.~~ The Planning Board may permit 5-foot contour intervals in instances where there would be little impact upon existing drainage, and no underground utility systems are to be constructed, to show the effect on the land of existing and proposed grades.

118 : IV, 1.3.4.1.1 e. *Changes in State laws.*

e. Name, address, and registration number of the **Registered Licensed** Professional Engineer, **Registered Licensed** Land Surveyor, **Registered Licensed** Landscape Architect and/or **Registered Licensed** Architect responsible for preparation of the Subdivision Plan and related documentation.

119 : IV, 1.3.4.1.2 f.

f. Contour lines at an interval of not more than 2 feet, referenced to U. S. Coastal and Geodetic Survey benchmarks ~~if such exist within 1,000 feet of the property.~~ The Planning Board may permit 5-foot contour intervals in instances where there would be little impact upon existing drainage, and no underground utility systems are to be constructed.

121, 122 : IV, 1.3.4.1.3 o.

o. For subdivisions greater than 5 lots that are not served by public sewer, a hydrogeologic assessment prepared in accordance with Section 1.4.16 by a certified geologist or ~~registered~~ **licensed** professional engineer experienced in hydrogeology.

124 : IV, 1.3.8 *Delete first paragraph - covered by 1.3.10.2.*

127, 128 : IV, 1.4.9

1.4.9 Land not Suitable for Development.

The Planning Board shall not ~~approve~~ include, **for the purpose of meeting minimum lot dimensions**, such portions of any proposed subdivision that are located on land below sea level, within the 100-year flood plain, or on land which must be filled or drained, or on land created by diverting a watercourse. ~~In no instance shall the Board approve any part of a subdivision located on filled tidal land or filled or drained great ponds.~~

129 : IV, 1.4.11.1

1.4.11.1 The Planning Board ~~may~~ **shall** require that the subdivider file with the Board at the time of submission of the Final Plan a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Treasurer of the municipality and issued by a surety company acceptable to the municipality. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board of the municipality with the advice of the municipal officers. The amount shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage and utilities or other improvements specified on the Final Subdivision Plan within two years of the date of the certified check or performance bond.

144 : IV, 2.3.7.2

... meet one or more of the purposes of the Resource Based Subdivision Developments as presented in ~~section 1.6~~ **Section 2.1.3**. In all instances, ...

146, 147 : IV, 2.3.8.8 *Correct numbering of second 2.3.8.8 through 2.3.8.9.3 to 2.3.8.9 through 2.3.8.10.3.*

151 : IV, 2.4.11.2

2.4.11.2 If a private collection septic system is proposed for a single family clustered development or a ~~multiplex~~ **multiple family dwelling** cluster development, the applicant ...

168 : IV, 3.2.2

3.2.2 ... replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of Section **3.1**.

173 : IV, 3.4.7

... Particular attention should be paid to the use of ~~planning~~ **planting** to break up and to define parking areas.

185,186 : V, 4.8

4.8.1 Lot Size for Multiple Dwelling Units

The required minimum lot size for all Areas and Districts shall be met for each dwelling unit, with the exception of an accessory apartment, for the respective Area or District. For lots having Town of Edgecomb controlled sewer and water held in single ownership and located only within the Edgecomb Gateway or the Edgecomb Thoroughfare District or the Commercial Growth District, upon which multiple dwelling units are proposed, the ~~maximum~~ **minimum** lot size per dwelling unit shall be \pm **one** acre for the first dwelling unit plus one-fourth acre for each additional dwelling unit over one. ~~The~~ **Required** minimum lot sizes for ~~all~~ Shoreland Zones are provided for in Article III, section 1.9.1.5. There is no density bonus in the Shoreland Zone ~~if~~ **for Town controlled** sewer and water. ~~is connected to a lot within the Shoreland Zones.~~

4.8.2 Building Separation

Residential Structures ~~must~~ **shall** be separated by a minimum of thirty (30) feet.

Some articles or sections are referred to internally as a named ordinance (i.e. Sign Ordinance, Building Code). A note should be added stating that "Internal references within articles or sections self described as an Ordinance refer only to the particular article or section, not the entire Land Use Ordinance."

There is a new state model for shoreland regulations, to be substituted for existing (mandatory).

Bob Faunce suggests that road standards be separated from subdivision specifications, and offers a model ordinance.

bj 8/6/07