

TOWN OF EUSTIS

LAND USE ORDINANCE

Adopted March 6, 1993

Amended March 7, 1998

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**TOWN OF EUSTIS
LAND USE ORDINANCE**

SECTION 1. Title

This Ordinance shall be known and cited as the Town of Eustis Land Use Ordinance and will be referred to as this Ordinance.

SECTION 2. Purpose

To implement the provisions of the Town's Comprehensive Plan; to conserve the natural resources; to provide orderly growth and appropriate land uses; to promote the health, safety and welfare of the community; to maintain the balance of industrial/forestry/recreational and activities that support the Town and its inhabitants.

SECTION 3. Authority

This Ordinance is adopted pursuant to the provisions of Article VIII-A of the Maine Constitution, provisions of Title 30-A M.R.S.A. Section 3001, and the State's Growth Management Law, Title 30-A M.R.S.A. Section 4312, et seq

SECTION 4. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Eustis exclusive of the land and water area subject to the Shoreland Zoning Ordinance, Town of Eustis.

SECTION 5. 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, the more restrictive provision shall control.

SECTION 6. 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 the Ordinance.

SECTION 7. Effective Date

The effective date of this Ordinance shall be the date of the adoption by the legislative body.

SECTION 8. Amendments

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. the Planning Board, provided a majority of the Board has so voted;
2. request of the municipal officers; or
3. written petition of at least 25 voters registered to vote in Eustis.

B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the public hearing shall comply with Title 30-A M.R.S.A. Section 4352.9.

C. The Town Clerk shall forward to the Selectmen and the Land Use Regulation Commission of adjacent communities of which a zoning amendment is proposed which is within 500 feet of a common town border at least ten (10) days in advance of the public hearing. The adjacent community or the Land Use Regulation Commission may provide verbal or written testimony.

D. An amendment of this Ordinance may be adopted by a majority vote of the Town Meeting.

E. Copies of amendments, attested and signed by the Town Clerk shall be submitted to the Office of Community Development within 30 days of adoption.

SECTION 9. Nonconformance

A. Purpose

It is the intent of these provisions 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 set forth in this section.

B. General Requirements

1. Transfer of Ownership: Nonconforming structures, lots and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures. All repairs and alterations shall comply with the provisions of applicable standards as contained in this Ordinance.
3. Rebuilding: If a nonconforming structure is damaged or destroyed by fire or other natural causes, it may be rebuilt within one (1) year from date of destruction. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

C. Nonconforming Structures

1. Expansions: 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.
2. Foundations: Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the completed foundation does not extend beyond the existing dimensions of the structure, and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

D. Nonconforming Uses

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming uses may, after obtaining a permit from the Planning Board, be expanded within structures existing as of the effective date of this Ordinance, or on the effective date of a subsequent amendment that causes such use to be a nonconforming.
2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is abandoned for a period exceeding one year, or which is superseded by a conforming use may not be resumed except that the Planning Board may, for good cause shown by the applicant, grant up to a one (1) year extension to that time period. In the case of a nonconforming residential use, such use may be renewed even if it has been abandoned for more than one (1) year.

3. **Change of Use:** An existing nonconforming use may be changed to another nonconforming use provided that the Planning Board finds after receiving a written application, that the proposed use will have no greater adverse impact on adjacent properties than the former use.

The determination of appropriateness shall include consideration of the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new nonconforming uses.

In determining that "no greater adverse impact" will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, surface and ground water quality, fish and wildlife habitat, vegetative cover, natural beauty, floodplain management, archaeological and historic resources.

E. Nonconforming Lots

1. **Nonconforming Lots:** A vacant, nonconforming lot of record recorded on or before 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 that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirement not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and, if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

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

3. **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, and if any of these lots do

not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet all dimensional requirements. This subsection shall not apply to contiguous lots which meet the following criteria;

- a. Are lots in subdivisions properly approved and recorded before the effective date (March 7, 1998) of this amended ordinance.
- b. Are lots which have been surveyed, or otherwise physically located on the ground within the subdivision. (i.e. corners have been pinned at least)
- c. Each lot meets State minimum lot size requirement of 20,000 square feet, and the State's Wastewater Disposal Rules are complied with.

Corporations in which two or more directors are the same individual (or their spouses) shall be treated as the same corporation (i.e. as the same single or joint owner) for the purposes of this Ordinance.

F. Vested Rights

Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights usually arise when actual construction has begun, or in the case of pending applications, when the review process on a complete application commences. Such construction must be legal at the time it commenced, and the owner is in compliance with all validly issued permits, both state and local.

SECTION 10. Land Use Districts

A. Purpose

The purpose of these district requirements are:

1. To implement the Comprehensive Plan policies;
2. To allow future growth to occur in designated portions of the community and to restrict growth in other areas;
3. To provide for separation of land uses that might otherwise be incompatible;
4. To protect the natural resources of the community from degradation; and
5. To provide for an orderly future growth pattern of the community.

B. Location of Districts

Said districts are located and bounded as shown on the Official Land Use Map entitled "Land Use Map of Eustis, Maine" dated and on file at the Town Office. The Official Map shall be signed by the Town Clerk and the Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

C. Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Land Use Map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad right-of-way, rivers or streams shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Land Use Map shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Map, or other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

D. Division of Lots by District Boundaries

Where a Land Use District boundary line divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the use regulations applicable to the one portion of the lot may be extended into the other portion of the lot by no more than 50

feet provided that the other portion is not regulated by the Town of Eustis Shoreland Zoning Ordinance.

E. Specific District Purposes

The following describes the major land use districts included in this Ordinance and shown on the Land Use Map of Eustis, Maine.

1. **Special Protection Areas:** Certain areas within Eustis warrant special consideration due to their likelihood of degradation as the result of various land use activities. Land use activities within these areas require stricter regulations or prohibition. These areas are provided protection by district designation, by performance standards contained in Section 12 or the Shoreland Zoning Ordinance, Town of Eustis. These areas include the following:
 - a. Wetlands and the land immediately adjacent to them;
 - b. 100 year floodplains;
 - c. Significant ground water supply areas and wellheads;
 - d. Shoreland areas;
 - e. Critical wildlife habitats including travel corridors;
 - f. Continuous slopes in excess of 25%;
 - g. Significant rivers and streams;
 - h. Flagstaff Lake watershed;
 - i. Rare and unique natural features; and
 - j. Areas 250 feet from normal high water mark or great ponds, rivers and wetlands defined by State Shoreland Zoning Regulations.
2. **Rural/Woodland District:** Woodland areas are defined as those where there exists a concentration of forestry activities. These areas cover most of the Town and are important to the economy of Eustis. The purpose of this district is to encourage forestry and forestry-related businesses and other resource-based activities. It is further the purpose of this district to allow low-density residential development. In areas in Tree Growth, as of the effective date of this Ordinance, (RW1) residential densities should not exceed one unit per 15 acres. In other areas within this district (RWII), residential densities should not exceed one unit per 150,000 sq. ft.
3. **Residential/Recreational District:** Residential/recreational areas are characterized by seasonal housing, although year-round homes are interspersed. These areas are serviced by a road system not designed for high volumes of traffic. The purpose of this district is to allow residential development at low density which is compatible with rural land uses including agriculture and commercial forestry. Open space development will be encouraged as a way to preserve rural character. It is further the

purpose of the district to prohibit commercial and industrial development unless it is tied to agricultural or forest-related activities, residential or recreational services.

4. **Mixed Use District:** Mixed use areas are located where greater densities of residential development currently exist in Eustis. The purpose of this district is to allow residential development at medium density (60,000 sq. ft.) and other land uses appropriate and compatible with residential uses. Uses in this district include public and semi-public, commercial and small light manufacturing and service businesses compatible with residential areas such as offices, small parts assembly, groceries, home occupations and mobile home parks. The size (sq. ft.) of light manufacturing and service businesses and operating hours require regulation to maintain residential values.
5. **General Purpose District:** The purpose of the General Purpose District is to provide for a mixture of land uses in and adjacent to the traditional villages of Stratton and Eustis residential and commercial development at medium densities are appropriate.
6. **Industrial District:** Industrial activity is an intense use of land and often not compatible with other land uses. Important to community growth, it can also impact adjacent uses and the demand for municipal services. Therefore, it is the purpose of this district to designate land areas for such land use activities near municipal services. Although this district will be maintained primarily for industrial type activities, commercial uses are also appropriate. Permissible industrial use in this District include: light and heavy manufacturing and processing; trucking terminals; offices; parking lots; transportation buildings; public utilities; gasoline services station and gravel pits. The location of industrial uses must be coordinated with the wellhead protection areas, and potential pollution sources from such uses must be controlled using best management practices.
7. **Resource Protection District:** The purpose of this district is to prohibit or regulate development that would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include those areas designated on the Land Use Map and regulated by this Ordinance and the Shoreland Zoning Ordinance, Town of Eustis, Maine.
8. **Limited Resource Protection District:** The purpose of this district is to designate wetland areas, which are more suitable for winter road construction than wetlands in the Resource Protection District but which are not suitable for residential or other development.

9. Stream Protection District: The purpose of this district is to protect streams as defined.

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 Sections 11, 12, and 13. The district designation for a particular site shall be determined from the Official Land Use Map.

Key to table:

Yes	Allowed (no permit required but must comply with all applicable performance standards contained in Section 11.
No	Prohibited
PB	Requires a permit from the Planning Board
CEO	Requires a permit from the Code Enforcement Officer
LPI	Requires a permit from the Local Plumbing Inspector

Abbreviations:

RP	Resource Protection
LRP	Limited Resource Protection
R/R	Residential/Recreational
RWI	Rural Woodland I
RWII	Rural Woodland II
In	Industrial
GP	General Purpose
M	Mixed Uses
SP	Stream Protection

LAND USES

LAND USES	DISTRICTS							
	GP	RR	M	RWI & II	In	SP	LRP	RP
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	yes	yes	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	yes	yes	yes	yes	yes	CEO ¹	CEO ¹
5. Clearing of vegetation for approved construction and other allowed uses	yes	yes	yes	yes	yes	CEO	CEO ¹	CEO ¹
6. Fire prevention activities	yes	yes	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes	yes	yes
9. Mineral exploration	yes ²	yes ²	yes ²	yes ²	yes ²	no	yes ²	yes ²
10. Mineral extraction, including sand and gravel extraction	PB	PB	PB	PB	PB	no	PB ³	PB ³
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes	yes	yes
13. Agriculture	yes ³	yes	yes	yes	no	yes	PB	PB
14. Aquaculture	PB	PB	PB	PB	PB	PB	PB	PB
15. Principal structures and uses								
A. One and two family residential	CEO	CEO	CEO	CEO	no	PB ⁴	no	no
B. Multi-unit residential/mobile home parks	PB	PB	PB	PB	no	no	no	no
C. Commercial	PB	PB ⁵	PB ⁵	PB ⁵ ✓	PB	no	no	no
D. Light manufacturing	no	no	PB	PB ⁵	PB	no	no	no
E. Industrial	no	no ³	no	no	PB	no	no	no
F. Governmental and Institutional	PB	no	PB	no	PB	no	no	no
G. Small nonresidential facilities for educational, scientific or nature interpretation purposes	CEO	CEO	CEO	CEO	CEO	PB ⁴	PB	PB
16. Structure accessory to allowed uses	CEO	CEO	CEO	CEO	CEO	PB ⁴	PB	PB
17. Conversions of seasonal residences to year-round residences	CEO	CEO	CEO	CEO	CEO	CEO	no	no
18. Home occupations	PB	CEO	CEO	PB	CEO	PB	no	no
18a. Yard sales	yes	yes	yes	yes	yes	yes	yes	yes
19. Private sewage disposal system for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI/CEO	no	no
20. Essential services	PB	PB	PB	PB	PB	PB ⁶	PB ⁶	PB ⁶
21. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes	yes	yes
22. Public and private recreational areas involving minimum structural development	PB	PB	PB	PB	no	PB	PB	PB
23. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
24. Campgrounds	PB	PB	PB	PB	no	no	no ⁷	no ⁷
25. Road and driveway construction	yes ⁷	yes ⁷	yes ⁷	yes ⁷	yes ⁷	PB	no ⁷	no ⁷
26. Parking facilities	PB	PB	PB	PB	PB	no	no ⁷	no ⁷
27. Marinas	PB	PB	PB	PB	PB	PB	no	no
28. Filling and earthmoving <10 cubic yards	yes	yes	yes	yes	yes	CEO	CEO	CEO
29. Filling and earthmoving >10 cubic yards	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
34. Winter logging road construction	yes ⁹	yes ⁹	yes ⁹	yes ⁹	yes ⁹	PB	no ⁷	PB ⁷
35. Telecommunications Facilities	<u>PB¹⁰</u>	<u>PB¹⁰/ II</u>	<u>PB¹⁰</u>	<u>PB¹⁰</u>	<u>PB¹⁰</u>	<u>no</u>	<u>no</u>	<u>no</u>

¹ In RP not permitted within 75 feet 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 is disturbed.

³ In RP, not permitted in areas so designated because of wildlife value.

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

⁵ See further restrictions in Section 11. In Residential/Recreation District and Rural/Woodland District must be related to agricultural/forestry activities, or residential/recreational services.

⁶ Except when area is zoned for resource protection due to floodplain criteria, in which case a permit is required from the P.B.

⁷ Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

⁸ Must also comply with the Site Review Ordinance.

⁹ Within shoreland portion, a CEO or PB permit required.

¹⁰ Telecommunication facilities must also comply with the separate Wireless Telecommunications Siting Ordinance.

¹¹ New Telecommunications Facilities are not allowed in Recreational/Residential Zoned Districts on Eustis Tax Map R6 also known as Eustis Ridge.

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

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

G. Dimensional Requirement

Lots in all districts outside those areas regulated by the Shoreland Zoning Ordinance, Town of Eustis shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this Ordinance and the Town of Eustis Subdivision Ordinance). After the effective date of this Ordinance, no lot shall be created or reduced below the minimum dimensional requirements unless allowed by other provisions of this Ordinance.

Dimensions	General Purpose	Residential/ Recreational	Mixed Use	Rural Woodland		Industrial
				I	II	
Minimum Lot Area sq. ft./acre	40,000	80,000	60,000	15 acres	150,000	80,000
Multi-Unit Housing (sq. ft.)*	20,000	40,000	30,000	150,000		NA
Minimum Frontage (feet)	150'	150'	150'	250'		150'
Minimum Yard Dimensions (feet)						
1. Principal Structure						
A. Front setback (from ROW)	25'	50'	50'	75'	50'	50'
B. Side setback	20'	25'	25'	50'	50'	50'
C. Rear setback	20'	25'	25'	50'	50'	50'
2. Garage						
A. Front Setback (from ROW)	25'	50'	50'	75'	50'	50'
B. Side Setback	12'	25'	25'	50'	50'	50'
C. Rear Setback	12'	25'	25'	50'	50'	50'
Maximum Lot Coverage (%)	50	25	25	25		60
Height Limits (feet)	35	35	35	35		35

NA - Not Applicable

* - Minimum lot size plus the required land area per dwelling unit over 1.

1. **Required Frontage:** All lots hereinafter created shall possess a minimum frontage on (1) a public road, or on (2) a privately-owned road or other thoroughfare or access route which complies with the Town of Eustis Street Construction Ordinance.
2. **Cul-de-sac Frontage:** New building lots located at the cul-de-sacs along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot 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.
3. **Front Setback:** The minimum front setback along a public road, privately-owned road or common driveway shall be measured from the edge of the right-of-way line, according to the above table. The depth of any yard abutting a public road shall conform to the front setback.
4. **Multiple Structures:** 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 road frontage requirements. Each principal structure shall be designed on its own lot.

5. Parking Areas: Parking areas shall not be located within any required front setback area but may be located within ten feet of the side or rear lot lines. (This shall not apply to personally owned vehicles on residential lots.)
6. Setback Measurements: All setbacks shall be measured from the property line to the nearest part of the building.
7. Accessory Structures: No accessory building shall be located in the required setbacks except as permitted below: When located to the rear of the principal building, accessory buildings no larger than 150 sq. ft. in floor area may be located within the required side or rear setbacks provided that no such structure shall be located less than 6 feet from a side or rear lot line.
8. Corner Lots: The front setback requirement shall be observed along all roads abutting the lot.
9. Corner Lot Obstructions: All corner lots shall be kept free from visual obstruction for a distance of 25 feet measured along the street lines.
10. Heights Limits of 35 feet may be exceeded for structures not intended for human habitation upon review and approval of the Fire Chief.

SECTION 11. Performance Standards

A. Backlots/Residential

Backlots may be developed for single-family use although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions:

1. If a backlot is accessible only by legally enforceable right-of-way, it may be used if the following conditions are met:
 - a) The right of way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the backlot and be a minimum of 50 feet in width.

- b) A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the backlot.
- c) The right-of-way deed or other legal instrument must be recorded in the Franklin County Registry of Deeds before a building permit is issued.
- d) Creation of 50 foot right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, of, if the front lot is already nonconforming, reduce its road 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 road frontage requirements for the front lot.
- e) The right-of-way may serve only one single-family dwelling unless the following provisions are met:
 - 1) The right-of-way may serve two single-family dwellings if a driveway meets the standards contained in Section 11. Street design and construction, Town of Eustis Subdivision Ordinance are met.
 - 2) The right-of-way may serve more than town dwellings provided the applicable provisions of the Town of Eustis Subdivision Ordinance; Street Design Construction section are met.
- f) No more than one right-of-way for backlot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least 150 feet of frontage on a public or privately owned road frontage, and the center lines of the right-of-way entrances are at least 200 feet apart.
- g) Backlots legally recorded on or before June 21, 1971, served by a deeded right-of-way legally recorded on or before June 21, 1971, shall be exempt from the minimum right-of-way requirements.
- h) The shortest distance between the backlot and street shall be at least 250 feet.

B. Backlots/Industrial and Commercial

Backlots may be developed for industrial/commercial uses, although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions.

1. The right-of-way must be conveyed by deed or other legal instrument registered in the County Registry of Deeds to the owner of the backlot and be a minimum of 80 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 backlot.
3. The right-of-way deed or other legal instrument must be recorded in the Franklin County Registry of Deeds before a building permit is issued.
4. Creation of a 80 foot right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
5. The shortest distance between the backlot and the road shall be at least 250 feet.

C. Apartment Conversions

1. Purpose: The purpose of these standards are to provide less expensive rental units to the housing stock; make housing units available to lower income households who might otherwise have difficulty finding housing in Eustis and to protect property values and traditional residential characteristics.
2. General Requirements: The conversion of existing residences which otherwise would not meet dimensional requirements and/or parking requirements to multiple unit housing may be allowed by a permit granted by the Code Enforcement Officer, provided that the following are met:
 - a) Such conversion shall not create more than one additional dwelling unit in a single family structure.

- b) The converted apartment shall be designed so that the appearance of the building remains that of a single-family dwelling, with the exception of second floor emergency egress.
- c) The design of the apartment conforms to all applicable standards in building and other codes.
- d) Adequate off-street parking shall be provided.
- e) Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the apartments.
- f) Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

D. Recreation Vehicles

One recreation vehicle on a lot upon which a permanent residential dwelling is located is permitted provided the following conditions are met:

1. The recreation vehicle shall not be placed and occupied for more than 30 days within any 12 month period. The recreation vehicle may be allowed to be placed and occupied for more than 30 days upon written approval of the Code Enforcement Officer. The Code Enforcement Officer, in granting any approval, shall consider the need to occupy the recreational vehicle for more than 30 days and that healthful sanitary conditions are maintained.
2. The placement of the recreation vehicle on any lot shall meet all setback requirements for that district.
3. The recreational vehicle shall not temporarily or permanently connect to any type of subsurface waste disposal system.
4. The recreational vehicle shall not be located on any type of foundation.
5. No structure(s) of any kind shall be attached to the recreational vehicle.

These provisions do not restrict the placement for unoccupied storage of recreational vehicles adjacent to a primary residence.

E. Water Quality Protection

No materials of any kind shall be permanently or temporarily placed or deposited directly into or in the floodplains of any river or stream, lake, pond or

on the ice thereof where such material may fall or otherwise find its way into said watercourses, nor shall such material be placed or deposited directly in pits, wells, or on the ground surface in such a manner that would cause water quality degradation. Such activities shall be in conformity with applicable local, state and federal laws.

F. Sanitary Provisions

1. The approval of building permit applications shall be subject to the presentation of a completed Maine Department of Human Services Bureau of Health Engineering site evaluation form (HHE-200) which evidences adequate soil conditions for subsurface wastewater disposal.
2. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the association and provide for adequate funding of the association to assure proper maintenance of the system.

G. Buffer Strips

The purpose of buffer strips is to separate and partially obstruct the view of one or more land uses or properties from one another. In addition, buffer strips can be used to minimize the noise of different land uses.

No industrial or commercial uses may be erected or any new use permitted unless a buffer strip at least 75 feet wide is provided and maintained between any adjoining residential district or use and the industrial or commercial structure or use.

1. Natural Features: The side and rear yards abutting residential districts shall maintain the district boundary in its natural state to provide a buffer of at least the setback distance.
2. Landscaping: When natural features such as slope, gullies, stands of trees, shrubbery or rock outcrops do not exist or are insufficient to provide a buffer, the developer shall provide a fence at least 6 feet high between the adjoining residential district and the non-residential use.
3. Effect of Buffering: Natural features, landscaping or, if necessary, fencing or screening, should be expected to obstruct the view of the proposed development from abutting properties.

4. **Fencing and Screening:** Fencing and screening, when necessary, shall be properly maintained and located or constructed in such a manner that it can be maintained from the developer's property.

H. Access to Property

Each dwelling, commercial, industrial, educational, institutional, or public structure shall be provided with vehicular access to the property by abutting public, privately owned, or common driveways as described in the Town of Eustis Subdivision Ordinance.

I. 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.

J. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted 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, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall meet set back requirements for that district.
3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting 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 land owner 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 lot size and 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.

K. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone as defined adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
Metal plating, finishing, or polishing
9. 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
10. Photographic processing
11. Printing

L. Parking Areas

1. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
2. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

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

M. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features. Roads shall be designed in accordance with the Town of Eustis Standard Road Profile, as shown in Appendix A.

1. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
2. New roads built to access residential or commercial areas must be built to the minimum standards as shown in the Town of Eustis Standard Road Profile. Any road that is to be considered for acceptance as a town-maintained way must meet the Town of Eustis Standard Road Profile; as well as all other requirements for road and driveway construction as contained in this Ordinance or any other applicable ordinance of the Town of Eustis.
3. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case 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 banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection U.
5. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road surface drainage from directly entering water bodies, roads 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. Road 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 in the road or ditches gains sufficient volume or head to erode the road 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 at intervals no greater than indicated in the following table:

Road Grade (percent)	Spacing (feet)
0-2	250
3-5	200-135
6-10	100-80
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 road grade is ten (10) percent or less.
 - c. On road 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.
 - 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 shall be maintained on a regular basis to assure effective functioning.
 9. Roads and driveways shall enter onto other roadways, private or public, in conformance with the State of Maine Department of Transportation Guidelines.

N. Signs

The following provisions shall govern the use of signs in zones other than those within the jurisdiction of the Shoreland Zoning Ordinance.

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed 40 square feet in area per sign 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.
2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. 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.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

O. Storm Water Runoff

1. 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 storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

P. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules).

Q. Essential Services

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

R. Mineral Exploration and Extraction

NOTE: This includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Section 15.

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

Mineral extraction may be permitted under the following conditions with a permit from the Planning Board:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A, Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond or a river flowing to a great pond, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet 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 to one (2:1) slope or flatter.
 - c. Top soil 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.

S. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.

T. Timber Harvesting

1. Timber harvesting in shoreland zones shall be governed by the applicable standards of the Shoreland Ordinance Town of Eustis. Timber harvesting outside of shoreland zones shall be done in conformance with the State of Maine Forest Practices Act and standards of this Ordinance.
2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
 - a. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
 - b. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - 1) Surface waters are frozen; and
 - 2) The activity will not result in any ground disturbance.
 - c. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

- d. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- e. 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 an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

U. Erosion and Sedimentation Control

- 1. 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:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.
- 2. 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.
- 3. 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.

4. 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:
 - a. 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.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. 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.
5. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

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 Soil 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. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body or ground water.

X. 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.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

AA. Home Occupations

1. Home occupations which meet the following conditions do not require a Code Enforcement Officer or Planning Board permit:
 - a. Do not employ any persons who do not make the residence their permanent home;
 - b. Do not display any exterior signs, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building;
 - c. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject project; and
 - d. Are not likely to generate regular daily or seasonal traffic.
2. Home occupations that do not meet the provisions of Sections AA. 1. a-d shall obtain a permit from the Code Enforcement Officer or Planning

Board as defined in Section 10.F.18. and comply with the following conditions:

- a. Not more than two persons who do not make the residence their permanent home may be employed (including part-time workers);
- b. The appearance of the structure is not altered, subject to Section AA. 2.c. below or the occupation within the residence conducted in a manner that would cause the residence to differ from its residential character by means of colors, lights or sounds;
- c. Additions to the residence for the express purpose of a home occupation are constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained;
- d. Retail sales are limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation;
- e. There is sufficient off-street parking on the premises for customers' or clients' use;
- f. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.
- g. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
- h. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to State laws and local ordinances.

AB. Yard Sales

1. No yard sale may be conducted for more than three (3) consecutive days. Any and all left over items shall be removed from the site at the end of the sale.
2. No person, firm, corporation or other legal entity shall conduct more than six (6) non consecutive yard sales from any residential or other premise or location in any one calendar year.

SECTION 12. Mobile Home Parks

A. Applicability

This Section shall apply to all development proposals for new construction of mobile home parks and to any expansion of existing mobile home parks. A mobile home park is a subdivision and except as modified in this Section, all procedures, provided under any subdivision standards enacted by the Town of Eustis and Title 30-A M.R.S.A. Section 4401-4407 shall apply.

This Section shall not apply to mobile home subdivisions or development for the placement of manufactured housing units on individually owned lots.

B. Minimum Design and Performance Standards

1. Lot Size, Width and Density

Lots in a mobile home park not located within the Shoreland Zone shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on Title 30-A M.R.S.A. 4358.

a. Lots served by individual subsurface sewage disposal system

- minimum lot area -- 20,000 square feet
- minimum lot width -- 100 feet

b. Lots served by a central subsurface wastewater disposal system

- minimum lot area -- 12,000 square feet
- minimum lot width -- 75 feet

c. The overall density of a mobile home park served by a central subsurface wastewater disposal system shall be no greater than one unit per 20,000 square feet of total park area.

- d. 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 front of the manufactured home.
- e. Lots within the shoreland zone shall meet the lot area, lot width, setback and shore frontage requirements for that district.
- f. The overall density of the mobile home park shall be computed using the combined area of its mobile home lots plus:
 - 1) the area required for road rights-of-way; and
 - 2) the area required for buffer strips, if any.

2. Lot Setbacks

- a. The following lot setbacks shall apply to all manufactured housing units and accessory buildings:

front setback	25 feet
side setback	20 feet
rear setback	20 feet

If these requirements conflict with the requirements of lots within the shoreland zone, the stricter standards shall apply. If a lot has frontage, a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units.

- b. For aesthetic purposes, the Planning Board may allow the front setback on a private road within a mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way and the average distance is at least 25 feet for all units.
- c. Carports of non-combustible materials are not subject to side setback requirements but are restricted to one carport per unit.
- d. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 40 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

3. Lot Coverage

All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

4. Buffer Strips

a. A 50 foot wide buffer strip shall be provided along all property boundaries that:

- (1) abut residential land which has a gross density of less than half of that proposed in the park, or
- (2) abut residential land that is zoned at a density of less than half of that proposed in the park.

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.

b. Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view from the adjacent property and shall be maintained throughout the life of the project.

5. Parking

For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces.

6. Road Standards

a. Road Design Standards

(1) Private Roads. Privately owned roads within the mobile home park shall be designed by a Professional Engineer, registered in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Town of Eustis, Subdivision Ordinance, Section 11.

(2) Roads for Public Acceptance. Roads within mobile home parks which are to be offered for acceptance to the community shall meet the minimum road standards as required by the Town.

(3) Intersection with Public Roads. Mobile home park roads that intersect with public roads shall meet the following standards:

- a) **Angle of Intersection.** The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
- b) **Grade.** The maximum permissible grade within 75 feet of the intersection shall be two percent.
- c) **Minimum sight distance.** The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distance shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of object 4 ½ feet.

Where necessary, the park land bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.

(4) No mobile home lot may have vehicular access directly onto a public street.

a. **Right-of-way and pavement width**

1. Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited.
2. One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited.
3. Parking lanes shall be a minimum of 8 feet in width, if provided.
4. Cul-de-sac turnarounds shall have a minimum radii of 50 feet at the outer edge of the pavement, exclusive of any parking areas.
5. If the applicant intends to dedicate roads within the mobile home park to the public, such roads shall meet all road construction standards as required by the Town.

7. 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.

8. 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.

C. Conversion; Restrictions

No subdivision which has been approved as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting 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.

- A. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.
- B. No dwelling unit other than a manufactured housing unit shall be located within the park.

SECTION 13. Site Plan Review

A. Applicability

- 1. Site plan approved by the Planning Board in conformity with the criteria and standards of this section and Section 11 shall be required for new or expansions to commercial, light manufacturing, industrial, institutional uses and campgrounds.

B. Administration

1. Application Procedure

- a. **Applications in Writing.** All applications for site plan approval shall be made in writing to the Board on the forms provided for this purpose.

All applications shall be made by the owner of the property or his agent, as designated in writing by the owner.

- b. **Development Plan.** A Development Plan meeting the standards of this Ordinance shall be submitted to and reviewed by the Board, and shall be approved by the Board before any building permit may be issued. In the case of proposed resumptions of uses which have been abandoned for at least one year, Board approval shall be required before such uses may be resumed. The Planning Board shall follow the review procedures set forth in Section 13.D.
- c. **Professional Review.** If the services of outside consulting engineers are required by the Board to assist in review of the plan, the Board shall notify the applicant of the nature of services, the firm or individual selected and the estimated cost of the services. The costs of such services shall be paid by the applicant and evidence of such payment furnished to the Planning Board before the final plans for the project will be approved.
- d. **Additional Studies.** The Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.
- e. **Notice to Abutters.** Abutting property owners shall be notified by mail, by the applicant, of a pending application for site plan review. This notice shall indicate the time, date and place of Board consideration of the application. The applicant shall show proof that the abutting property owners were notified.

C. Site Plan Review Application Requirements

Applications for all Site Plan Reviews shall be submitted on application forms provided by the Town. The submission shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for Site Plan Review.
2. The Development Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Town Office. Space shall be provided on the Development Plan for the signatures of the Board and date with the following words. Approved: Town of Eustis Planning Board
3. The applicant shall provide the Road Commissioner and Fire Chief with an application and development plan. The applicant shall provide the Board with these officials' written comments upon the adequacy of their department's existing capacities to service the proposed development.

4. General information

- a. Name of owner of record and address and applicant's name and address, if different;
- b. The name of the proposed development;
- c. Names and addresses of all property owners within 500 feet of the edge of the property line;
- d. Sketch map showing general location of the site within the Town;
- e. 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;
- f. The tax map and lot number of the parcel or parcels;
- g. 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 status of property tax payment; and
- h. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional, if any, who prepared the plan.

5. Existing Conditions

- a. Zoning classification(s) of the property and the location of zoning district boundaries, if the property is located in two or more zoning districts or abuts a different district;
- b. The bearings and distances of all property lines of the property to be developed and the source of this information;
- c. Location and size of any existing sewer and water systems, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- d. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development;

- e. The location of open drainage courses, wetlands, stands of trees and significant wildlife habitat, known or potential archaeological resource, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered, other important natural features, with a description of how such features will be maintained or impacts upon them minimized;
- f. The direction of existing surface water drainage across the site;
- g. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;

6. Proposed Development Activity

- a. The location and dimensions of all proposed buildings and structures.
- b. All existing and proposed setback dimensions.
- c. The type, size and location of all incineration devices.
- d. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.
- e. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface disposal system.
- f. The type of water supply to be used.
- g. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- h. Proposed landscaping and buffering.
- i. A storm water drainage and erosion control plan.
- j. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.

7. Traffic Data: A development plan may be required to have an accompanying traffic engineering study.

8. Other Information

- a. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
- b. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.
- c. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
- d. 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.

9. Submission Waivers. Where the 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 Ordinance, provided 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 intent and purpose of the Comprehensive Plan and Land Use Ordinance.

D. Review Standards

The following criteria and standards shall be utilized by the Board in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention and innovation. The Board may waive the criteria presented in this section upon a determination by the Board that the criteria are not applicable to the proposed action or upon a determination by the Board that the application of these criteria are not necessary to carry out the intent of this Ordinance. The Board shall approve the site plan unless the Site Plan Review does not meet the intent of one or more of the following criteria provided that the criteria were not first waived by the Board.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal,

disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas such as significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing archaeological sites and unique natural features will be maintained and preserved to the maximum extent.

2. 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 affect on the environmental and aesthetic qualities of the developed and neighboring areas including historic buildings and sites. The Board shall assess the proposed structures impact upon identified scenic sites and views. Where the Board finds that the proposed structures would have an undue adverse effect on scenic sites and views, the Board shall require the development to minimize such effects.
3. Vehicular Access. The proposed development shall provide safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to site distances, intersections, schools and other traffic generations. "Curbcuts" shall be limited to the minimum width necessary for safe entering and existing. Where common access is not provided, a single lot shall be limited to two "curbcuts." The proposed development shall not have an unreasonable negative impact on the Town's road system. When an unreasonable negative impact to the Town's road system would occur the Board may require as a condition of an approval that the applicant undertake road improvements. 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 10 and 15 feet behind the curbline 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	250'
30 mph	300'
35 mph	350'
40 mph	400'
45 mph	450'
50 mph	500'
55 mph	550'

4. Internal Vehicular

- a. **Circulation and Parking.** The proposed development shall provide safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.
- b. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.

5. Advertising Features. The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

6. 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, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

7. Exterior Lighting. All exterior lighting shall be designed 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.

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

9. Surface Water. The proposed activity will not result in undue surface water pollution. In making this determination, the Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents.
10. Phosphorus Export. When a proposed development is within the direct watershed of Flagstaff Lake, the phosphorus export from development shall be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection using the data provided by that Department.
11. Ground Water. The proposed development shall not result in undue affect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers, aquifer recharge areas and wellhead areas, the nature of the proposed development and its potential threat to ground water resources. Applicants shall be required to employ recognized Best Management Practices. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.
12. Air Pollution. The proposed development shall not create an emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable federal and State regulations.
13. Odor. The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.
14. Noise. The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.
 - a. 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 a.m.-10 p.m.	10 p.m.-7 a.m.
Residential	55	
Commercial	65	55
Industrial	70	60

- b. 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 SI 4-1961) "American Standard Specification for General Purpose Sound Level Meters."
 - c. The following uses and activities shall be exempt from the sound pressure level regulations:
 - 1) Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.
 - 2) The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.
 - 3) Traffic noise on public roads or railroads.
15. Sewage Disposal. The development shall provide for a suitable sewage disposal.
- a. All individual on-site systems will be designed by a licensed soil evaluate in full compliance with the Maine Subsurface Wastewater Disposal Rules. Upon the recommendation of the Local Plumbing Inspector, the Board may require the location on the individual lots of reserved areas for replacement systems.
16. Waste Disposal. The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
- a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - b. 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.

17. Financial and Technical Capacity. The applicant has adequate financial and technical capacity to meet these standards.
18. Comprehensive Plan. Is in conformance with the Comprehensive Plan.

SECTION 14. Administration

B. Administering Bodies and Agents

1. Code Enforcement Officer: A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.
3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

C. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

D. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 10.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted

whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

E. Permit Fees

The Selectmen shall have the authority to establish and revise fees for permits, site plan review and appeals.

F. Procedure for Administering Permits

1. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 10, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make the application complete.
2. For applications which are the authority of the Code Enforcement Officer, the officer shall approve, approve with conditions, or deny the application in writing within 45 days of receiving a completed application.
3. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 45 days except that:
 - a. if the Planning Board has a waiting list of applications, a decision on the application shall occur within 45 days after the first available date on the Planning Board's agenda following receipt of the completed application, or
 - b. if the Board deems appropriate, a public hearing is scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing.
4. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.
5. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
6. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it

makes a positive finding based on the information presented that the proposed use:

- a. Will maintain safe and healthful conditions;
- b. Will not result in water pollution, erosion, or sedimentation to surface waters;
- c. Will adequately provide for the disposal of all wastewater;
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;
- g. Will avoid problems associated with flood plain development and use; and
- h. Is in conformance with the provisions of Section 11. Performance Standards and Section 12. Site Plan Review, when applicable.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

G. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

H. Installation of Public Utility Service

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in any land use zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

I. Appeals

1. Powers and Duties of the Board of Appeals: The Board of Appeals shall have the following powers:

- a. **Administrative Appeals:** To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.
 - b. **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.
2. **Variance Appeals:** Variances may be permitted only under the following conditions:
- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - c. The Board shall not grant a variance unless it finds that:
 - (1) The proposed structure or use would meet the provisions of Section 11 except for the specific provision which has created the nonconformity and from which relief is sought; and
 - (2) The strict application of the terms of this Ordinance would result in undue hardship.

The term "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.
- d. The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. 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 property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term "structures necessary for access to or egress from the property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure 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 shall comply with any conditions imposed.

3. Appeal Procedure

a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - (a) A concise written statement indicating what relief is requested and why it should be granted.
 - (b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
 - (c) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

- (3) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Board of Appeals

- (1) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - (2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
 - (3) The person filing the appeal shall have the burden of proof.
 - (4) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.
4. Appeal to Superior Court: Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
 5. Reconsideration: The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

J. Public Hearing Procedures and Notification Requirements — Board of Appeals and Planning Board

The reviewing authority for the subject request shall have notice of the date, time and place of the hearing:

1. Given to the applicant,
2. Mailed to all property owners within five hundred (500) feet of the property boundaries; and
3. Published, at least one (1) time, in a newspaper having general circulation in the town. The date of the publication must be at least seven (7) days prior to the hearing.

K. Enforcement

1. Nuisances: Any violation of this Ordinance shall be deemed to be a nuisance.
2. Code Enforcement Officer
 - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
3. Legal Actions: When the above action does not result in the 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 the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. 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 recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. **Fines:** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues.

SECTION 15. Definitions

Abandoned: the stopping of an activity, use, business, in addition to: actions taken by a property owner or representative that removes the major portion of materials, goods, equipment, facilities or parts thereof necessary for the operation of the activity, use, business. Also, contains the element of abandoned and/or change to a less intensive use of the property/structure.

Accessory structure or use: a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

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

Aggrieved party: an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land

abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Aquaculture: the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Boat Launching Facility: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

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.

Commercial use: the use of lands, buildings, or structures, other than a "home occupation," 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 of residential buildings and/or dwelling units.

Dimensional requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Driveway: a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

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

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

Expansion of a structure: an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of use: the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family: one or more persons occupying a premises and living as a single housekeeping unit.

Floor area: the sum of the horizontal areas of the 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.

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

Forested wetlands: are wetlands dominated by vegetation which is six (6) meters (19.7 feet) or taller. (They have the same hydrological and biological characteristics as freshwater wetlands).

Foundation: the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts, or frostwalls.

Freshwater wetland: freshwater swamps, marshes, bogs and similar areas not including forested wetlands, which are:

1. 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
2. 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.

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.

Height of a structure: the vertical distance between the mean original 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 or profession which is customarily conducted on or in a residential structure or property and which is:

- 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
- 2) which employs no more than two (2) persons other than family members residing in the home.

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 gravel pads, parking areas, fire places, or tent platforms.

Industrial: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Light manufacturing: the use of real estate, building or structure, or any portion thereof, which main processes involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Lot area: the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina: a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore 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 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.

Minimum lot width: the closest distance between the side lot lines of a lot.

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.

Mobile home: means structures, transportable in one or two sections which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in 30-A M.R.S.A. Section 4358(1).

Mobile home park: a parcel of land under unified ownership approved by the Town of Eustis Planning Board pursuant to the Town of Eustis Subdivision Ordinance for the placement of three or more mobile homes.

Multi-unit residential: a residential structure containing three (3) or more residential dwelling units.

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, or width requirements of the district in which it is located.

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 parts 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.

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

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Principal structure: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use: a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils: the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles	Fryeburg	Hadley
Limerick	Lovewell	Medomak	Ondawa	Podunk
Rumney	Saco	Suncook	Sunday	Winooski

Recreational facility: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

Replacement system: a system intended to replace:

- 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
- 2) any existing overboard wastewater discharge.

Residential dwelling unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Residential Premise: a building or structure having at least one dwelling unit and the lot of land associated therewith.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

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

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.

Setback: the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage: the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.

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, or flows to another water body or wetland within a shoreland zone or as identified on the Land Use Map.

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Substantial start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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

Sustained slope: a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting: the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary stream: a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. 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: the boundary between upland and wetland.

Vegetation: all live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ above ground level.

Volume of a structure: 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.

Water body: any great pond, river, stream.

Water crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. 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.

Wetland: a freshwater wetland.

Wetlands associated with great ponds and rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Yard Sale: the sale of goods from a residential premise, whether advertised in local media, by sign, or otherwise as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction; or the sale, at the sellers place of residence, of all or part of the household goods, whether accomplished by direct sale or auction. The sale of new or used goods purchased or consigned specifically for yard sales is prohibited. Excepted from this definition shall be sales conducted by civic groups, school groups, church groups, charitable or fraternal organizations and other similar non-profit organizations if such sale is held on the organization's premises.

LAST AMENDED: MARCH 7, 1998