



**Veazie Town Council**

**Regular Meeting**

**January 9th, 2017  
6:30pm**

**AGENDA**

- ITEM 1:** Call to Order
- ITEM 2:** Secretary to do the Roll Call
- ITEM 3:** Pledge of Allegiance
- ITEM 4:** Consideration of the Agenda
- ITEM 5:** Approval of the December 19th Regular Council Meeting Minutes
- ITEM 6:** Comments from the Public

**New Business:**

- ITEM 7:** Code Enforcement Update
- ITEM 8:** Shoreland Zoning Ordinance Amendment
- ITEM 9:** Wireless Telecommunication Facilities Ordinance Approval
- ITEM 10:** Property Maintenance Ordinance Approval
- ITEM 11:** Animal Control Contract Approval

**Old Business:**

- ITEM 13:** Manager's Report
- ITEM 14:** Comments from the Public
- ITEM 15:** Requests for information and Town Council Comments
- ITEM 16:** Review & Sign of AP Town Warrant #12 and Town Payroll #13 & #14, School Payroll Warrant #14 and AP School Warrant #14.
- ITEM 17:** Adjournment

Tammy Perry  
5 Prouty Dr  
947-9624

Chris Bagley  
16 Silver Ridge  
cbagley@veazie.net

David King  
1081 Main St  
942-2376

Paul Messer  
1010 School St  
249-1361

Michael Reid  
14 Prouty Dr.  
573-1300

# Agenda Items

## For January 9, 2017

### Council Meeting

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The following are brief explanations of some of the items on the agenda:

**ITEM 7:** Code Enforcement Officer John Larson will be present to provide and update on his activities for the year and what he sees for future projects

**ITEM 8:** Council will review and act on an amended Shoreland Zoning Ordinance which will be presented by Code Enforcement Officer Larson on behalf of the Planning Board. Staff would recommend adopting the ordinance.

**Suggested Motion:** I motion we adopted the amended Shoreland Zoning Ordinance, chapter 30 of the Town of Veazie ordinances, as proposed.

**ITEM 9:** Council will review and act on a proposed Wireless Telecommunication Facilities Ordinance which will be presented by Code Enforcement Officer Larson on behalf of the Planning Board. Staff would recommend adopting the ordinance.

**Suggested Motion:** I motion we adopted the Wireless Telecommunication Facilities Ordinance, chapter 31 of the Town of Veazie ordinances, as proposed.

**ITEM 10:** Council will review and act on a proposed Property Maintenance Ordinance which will be presented by Code Enforcement Officer Larson on behalf of the Planning Board. Staff would recommend adopting the ordinance.

**Suggested Motion:** I motion we adopted the Property Maintenance Ordinance, chapter 34 of the Town of Veazie ordinances, as proposed.

**ITEM 11:** Council will review and act on an animal control contract with Penobscot County. This is a similar agreement we have participated in for 3 years and Staff would recommend the approval of this proposed contract.

**Suggested Motion:** I motion we enter into the Animal Control Contract with Penobscot County as presented.

Veazie Town Council Meeting  
December 19th, 2016

**Members Present:** Chairman Tammy Perry, Councilor Chris Bagley, Councilor David King, Councilor Paul Messer, Councilor Michael Reid, Manager Mark Leonard, Secretary Julie Strout Boyd Smith, Joan Perkins & Ken Borneman, from the Water District, David Wardrop, Pat Thompson, Linda Swackhamer and Bucky Owen from the Orono Veazie Land Trust, Bill Reed and various members of the public.

**ITEM 1: Call to order**

Chairman Perry called the meeting to order at 6:30 pm.

**ITEM 2: Secretary to do the roll call:**

All present.

**ITEM 3: Pledge of Allegiance**

**ITEM 4: Consideration of the Agenda**

Chairman Perry stated the Sewer District would not be attending this meeting, so Item 7 would be tabled until a future meeting.

**ITEM 5: Approval of the November 14th, 2016 Regular Council Meeting Minutes**

Councilor Chris Bagley made a motion, seconded by Councilor David King to approve the November 14th, 2016 Regular Council Meeting Minutes as written. Voted 5-0-0. Motion carried.

**ITEM 6: Comments from the public**

None

**New Business:**

**ITEM 7: Joint meeting with Sewer District Trustees**

This item was tabled until a future meeting.

**ITEM 8: Presentation from Orono Veazie Land Trust**

David Wardrop, Linda Swackhamer, Pat Thompson, and Bucky Owen updated the Council on the activities of the Orono Veazie Land Trust.

**ITEM 9: Roles and Responsibilities of Town Forester**

Councilor Chris Bagley made a motion, seconded by Councilor Paul Messer to enter into a contract approved by legal staff with Golden Forestry Service effective January 1, 2017 for the term of 1 year at the cost of \$2,000.00. Voted 5-0-0. Motion carried.

**ITEM 10: Review of Citizen Involvement Applications reference Water District Trustee**

Chariman Tammy Perry made a motion, seconded by Councilor Michael Reid to appoint Joan Perkins to the Orono Veazie Water District for the Town of Veazie for a 5 year term. Voted 4-0-1. Councilor Chris Bagley abstained. Motion carried.

**ITEM 11: Municipal Building Renovation Proposal**

The Council was in agreement to move forward with the Municipal building renovations.

**ITEM 12: Reappointment of Registrar of Voters**

Councilor Paul Messer made a motion, seconded by Councilor David King to appoint Julie Strout as the Registrar of Voters for a two year term expiring January 2019. Voted 5-0-0. Motion carried.

**Old Business**

**ITEM 13: Manager's Report**

Manager Leonard reviewed his report with the Councilor's.

**ITEM 14: Comments from the Public**

None.

**ITEM 15: Requests for information and Town Council Comments**

Councilor Bagley asked about the ordinances that were supposed to be reviewed. Manager Leonard stated that they will be on the next agenda.

**ITEM 16: Review & sign of AP Town Warrant #10 & # 11, and Town Payroll #11 & #12, School Payroll Warrant #11, #12 & #13, AP School Warrant, #11, #12 & #13.**

The warrants were circulated and signed.

**ITEM 17: Adjournment**

Councilor David King motioned to adjourn

Councilor Chris Bagley seconded. No discussion. Voted 5-0-0. Motion carried.

Adjourned at 7:30pm

A True Copy Attest

Julie Strout, Deputy Clerk

ITEM # 8

# Town of Veazie Shoreland Zoning Ordinance

Chapter 30

Enacted November 17, 2014

Amended

Veazie Town Council

Attested by:

Date:

Town of Veazie

Town  
Shore  
Ordin

Ordin

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Ordin

Comment [AD1]: Be sure to look over page numbers once corrections/edits have been made.

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Shoreland Zoning Ordinance for the Town of Veazie

**1. Purposes.**

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

**2. Authority.**

This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-448-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

**3. Applicability.**

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of a river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

**4. Effective Date**

~~A.~~ Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on ~~August 25, 2014~~ June 9, 2015, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

#### **5. Availability.**

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

#### **6. 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.

#### **7. Conflicts with Other Ordinances.**

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

#### **8. Amendments.**

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

#### **9. Districts and Zoning Map**

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

- (1) Resource Protection
- (2) Stream Protection
- (3) Limited Residential
- (4) Limited Industrial

B. Scale of Map. The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

10. Interpretation of District Boundaries.

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

11. Land Use Requirements.

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

12. Non-conformance.

## Town of Veazie

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

### B. General

- (1) Transfer of Ownership. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming 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 non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

### C. Non-conforming Structures

- (1) Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet water body, tributary stream, or wetland setback requirements contained in Section 15 (B)(1). A non-conforming 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 non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

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

- b. Notwithstanding paragraph (a) above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12 (C) (1).

(i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

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(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

(c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.



(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section (C)(1) or Section 12(C)(1)(ac)(i), above.

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

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~~(b)(2)~~ Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.

~~(23)~~ Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures

on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation ~~in accordance with Section 15(S)~~. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

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

- (34) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming ~~floor area and volume~~ footprint of the reconstructed or replaced structure at its new location. If the total ~~amount of floor area and volume~~ footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be

replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(23) above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(23) above, the physical condition and type of foundation present, if any.

- (45) Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

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, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

#### D. Non-conforming Uses

- (1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.

- (2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.



- (3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(45) above.

#### E. Non-conforming Lots

- (1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore 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 non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot 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, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on July 14, 1992 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

### 13. Establishment of Districts

~~A.~~ Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Industrial need not be included within the Resource Protection District.

~~A.~~

(1) Floodplains along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include the 100 year floodplains adjacent to tidal waters as shown on FEMA Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

(2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

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

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

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

**Comment [AD2]:** This section I added can be left out as long as the town doesn't have anything that meets this standard, if it does then it should be added.

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C. Limited Residential. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District or Stream Protection District, and includes areas which are used less intensively than those in the Limited Industrial District.

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D. Limited Industrial. The Limited Industrial District includes the following types of existing, intensively developed area:

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(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

- a. Areas devoted to manufacturing, fabricating or other industrial activities;
- b. Areas devoted to wholesaling, retail trade and services activities, or other commercial activities.

(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

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b-c.

Comment [AD3]: If the town doesn't have anything that meets this in the town then it can be left out.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the Limited Industrial District may also include residential uses; however, no area shall be designated Limited Industrial District based solely on residential uses.

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**14. Table of Land Uses.** All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards)

No - Prohibited

PB - Allowed with approval by the Planning Board and permit issued by Code Enforcement Officer

## Town of Veazie

CEO - Allowed with permit issued by the Code Enforcement Officer  
LPI - Allowed with permit issued by the Local Plumbing Inspector

### Abbreviations:

RP - Resource Protection  
SP - Stream Protection  
LR - Limited Residential  
LI - Limited Industrial

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT			
	SP	RP	LR	LI
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	no	no	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes
4. Timber harvesting	CEO	CEO	CEO	CEO
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO	yes	yes
6. Fire prevention activities	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes
9. Mineral exploration	no	yes <sup>2</sup>	yes <sup>2</sup>	yes <sup>2</sup>
10. Mineral extraction including sand and gravel extraction	no	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes
14. Aquaculture	PB	PB	PB	PB
15. Principal structures and uses				
A. One and two family residential, including driveways	PB <sup>4</sup>	PB <sup>9</sup>	CEO	CEO
B. Multi-unit residential	no	no	PB	PB
C. Commercial	no <sup>10</sup>	no <sup>10</sup>	no <sup>10</sup>	PB
D. Industrial	no	no	no	PB
E. Governmental and institutional	no	no	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB <sup>4</sup>	PB	CEO	CEO
16. Structures accessory to allowed uses	PB <sup>4</sup>	PB	CEO	CEO
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
a. Temporary	CEO <sup>11</sup>	CEO <sup>11</sup>	CEO <sup>11</sup>	CEO <sup>11</sup>
b. Permanent	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI
19. Home occupations	PB	PB	CEO	CEO
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
21. Essential services				
A. Roadside distribution lines (34.5kV and lower)	CEO <sup>5</sup>	CEO <sup>5</sup>	yes <sup>11</sup>	yes <sup>11</sup>
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB <sup>5</sup>	PB <sup>5</sup>	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB <sup>5</sup>	PB <sup>5</sup>	PB	PB
D. Other essential services	PB <sup>5</sup>	PB <sup>5</sup>	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO
24. Individual private campsites	CEO	CEO	CEO	CEO
25. Campgrounds	no	no <sup>7</sup>	PB	PB
26. Road construction	PB	no <sup>8</sup>	PB	PB
27. Land management roads	yes	PB	yes	yes
28. Parking facilities	no	no <sup>7</sup>	PB	PB
29. Marinas	PB	no	PB	PB

Comment [AD4]: 3, 4, and 27 need to be deleted, town Repealed TH

## Town of Veazie

30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO
32. Signs	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB

<sup>2</sup>Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

<sup>4</sup>Provided that a variance from the setback requirement is obtained from the Board of Appeals.

<sup>6</sup>See further restrictions in Section 15( L)(2).

<sup>7</sup>Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

<sup>8</sup>Except as provided in Section 15(H)(3).

<sup>9</sup>Single family residential structures may be allowed by special exception only according to the provisions of Section 16(F), Special Exceptions. Two-family residential structures are prohibited.

<sup>10</sup>Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

<sup>11</sup>Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

<sup>12</sup>Permit not required but must file a written "notice of intent to construct" with CEO.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any 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.

**15. Land Use Standards.** All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

### A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone		
Adjacent to Tidal Areas	30,000	150
(ii) Within Shoreland Zone		
Adjacent to Non-Tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within Shoreland Zone		
Adjacent to Tidal Areas	40,000	200
(ii) Within the Shoreland Zone		
Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within Shoreland Zone Adjacent	40,000	200

To Tidal and Non-Tidal Areas

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

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

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

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

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream

as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils; except that accessory structures may be placed in accordance with the standards of the Floodplain Management Ordinance, adopted on March 21, 2009, and need not meet the elevation requirements of this paragraph.

- (4) ~~The total footprint area. With the exception of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, General Development Districts located within the shoreland zone, including land area previously developed adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.~~ Industrial District the footprint shall be limited to 60%.

~~For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 in continuous existence since that date.~~

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Comment [AD5]: Driveways should be counted towards lot coverage

- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
  - (a) The site has been previously altered and an effective vegetated buffer does not exist;
  - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;



- (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
- (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
- (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
- (f) The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
  - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
  - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
  - (iii) Only native species may be used to establish the buffer area;
  - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
  - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in

areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and remain as long as the lot is not further divided.

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

(23) The location shall not interfere with existing developed or natural beach areas.

(34) The facility shall be located so as to minimize adverse effects on fisheries.

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

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

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

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

- (89) Except in the Limited Industrial District, structures built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

(10) 10. Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

- a. When necessary, the removal of tress and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
- b. Revegetation must occur in accordance with Section 15(S).

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

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a river, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

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

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

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

(34) — Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(45) — 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.

(56) — 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 Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

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

F. [Intentionally Blank]

Comment [AD6]: Why is this left blank?

#### G. Parking Areas

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

- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) 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, and parking for tractors towing semi-trailers shall be at least seventy-five (75) feet long.
  - (b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

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

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

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

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

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New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

(a) To provide access to structures or facilities within the zone; or

(b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

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

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(4) Road and driveway 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 Section 15(QT).

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

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

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

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

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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 grade is ten (10) percent or less.

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

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- (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.

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

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

Comment [AD7]: Limited Industrial?

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- (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 allowed 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 allowed 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.

#### J. 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 stormwaters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

#### K. Septic Waste Disposal

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

#### L. Essential Services

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



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

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

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(3) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within seventy-five (75) feet, horizontal distance, of the normal high-water line of any water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
  - (b) The final graded slope shall be two and one-half to one (2 1/2:1) 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.

## Town of Veazie

- (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.

### N. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within seventy-five (75) feet horizontal distance, of water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (4) There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies and coastal wetlands, nor within twenty-five (25) feet, horizontal distance, of tributary streams. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies and coastal wetlands, nor within twenty-five (25) feet, horizontal distance, of tributary streams. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

### O. Timber Harvesting -- Repealed Bureau of Forestry will administer the regulation of all forestry activities within the municipality

#### O-1. Timber Harvesting—Statewide Standards

- ~~(1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the~~

~~occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.~~

~~— (2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.~~

~~— (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.~~

~~— (b) Adjacent to rivers and wetlands:~~

~~— (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high water line or upland edge of a wetland; and~~

~~(ii) Between 50 feet and 250 feet, horizontal distance, of the normal high water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.~~

~~— (3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:~~

~~— (a) Option 1 (40% volume removal), as follows:~~

~~(i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;~~

~~— (ii) A well distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,~~

~~(iii) Within 75 feet, horizontal distance, of the shoreline, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high water line of a river or upland edge of a wetland, timber harvesting and related~~

activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

(b) Option 2 (60 square foot basal area retention), as follows:

- (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
- (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
- (iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. Chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.



~~— (4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.~~

~~— (a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.~~

~~— (b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.~~

~~— (c) Setbacks:~~

~~— (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.~~

~~— (ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~

~~— (5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.~~

~~— (a) Land management roads and associated ditches, excavation, and fill must be set back at least:~~

~~— (i) 100 feet, horizontal distance, from the normal high water line of a river or coastal wetland;~~

~~(ii) 50 feet, horizontal distance, from the normal high water line of streams; and~~

~~(iii) 25 feet, horizontal distance, from the normal high water line of tributary streams~~

~~(b) The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(iii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~

~~(c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5-percent increase in slope above 10 percent.~~

~~(d) New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high water line and screened from the river by existing vegetation.~~

~~(e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.~~

~~(f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is~~



put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

—(g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.

—(h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

—(i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

—(6) Crossings of water bodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.

(a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.

—(b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high water line must conform to the provisions of Section 15(O-1).

~~(c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on water bodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.~~

~~(d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.~~

~~(e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:~~

~~(i) a map showing the location of all proposed permanent crossings;~~

~~(ii) the GPS location of all proposed permanent crossings;~~

~~(iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and~~

~~(iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.~~

~~(f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:~~

~~(i) concentrated water runoff does not enter the stream or tributary stream;~~

~~(ii) sedimentation of surface waters is reasonably avoided;~~

~~(iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;~~

~~(iv) fish passage is not impeded; and,~~

~~(v) water flow is not unreasonably impeded.~~

~~Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.~~

~~(g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:~~



~~(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10-year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.~~

~~(ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:~~

- ~~1. use of temporary skidder bridges;~~
- ~~2. removing culverts prior to the onset of frozen-ground conditions;~~
- ~~3. using water bars in conjunction with culverts;~~
- ~~4. using road dips in conjunction with culverts.~~

~~—(iii) Culverts utilized in river, stream and tributary stream crossings must:~~

- ~~1. be installed at or below river, stream or tributary stream bed elevation;~~
- ~~2. be seated on firm ground;~~
- ~~3. have soil compacted at least halfway up the side of the culvert;~~
- ~~4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and~~
- ~~5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.~~

~~(iv) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A-zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.~~

~~(v) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying~~

within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

(h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:

(i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.

(ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.

(iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

(i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

(ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

(iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

1. It shall be designed to provide an opening sufficient in size and structure to accommodate 25-year frequency water flows;

2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline
(feet along surface of the ground)	
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

~~(8) Definitions. Unless otherwise provided herein, this Section O-1 incorporates by reference the definitions contained in the Maine Forest Service Rules Chapter 20, "Forest Regeneration and Clearcutting Standards", and Chapter 21, "Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas".~~

Comment [AD8]: Not needed, town repealed TH

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

(1)

In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section Q.

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

In a Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.



(2) Except in areas as described in Section P(1), above, ~~and except to allow for the development of permitted uses,~~ within a strip of land extending seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

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

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" shall be defined as maintaining a rating score of 16 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 < 4 in.	1
4 < 8 in.	2
8 < 12 in.	4
12 in. or greater	8

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NOTE: As an example, adjacent to a river, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 20 points (36 - 16 = 20) may be removed from the plot provided that no cleared openings are created.

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The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;

- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

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

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

~~Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.~~

(f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2).

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(3) At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, there shall

be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

#### **Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

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

- (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
  - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not

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present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

- (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
  - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
  - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
    - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
    - (ii) Stumps from the storm-damaged trees may not be removed;
    - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
    - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
  - (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is



greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

#### **R. Exemptions to Clearing and Vegetation Removal Requirements**

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- 5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
  - (a) A coastal wetland; or
  - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:



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

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

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

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

#### **S. Revegetation Requirements**

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

(1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

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

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the

permit, a new revegetation plan shall be submitted with any renewal or new permit application.

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

- (a) All trees and saplings removed must be replaced with native noninvasive species;
- (b) Replacement vegetation must at a minimum consist of saplings;
- (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
- (d) No one species shall make up 50% or more of the number of trees and saplings planted;
- (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
- (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

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

- (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
- (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
- (c) If more than three (3) woody vegetation plants are to be planted, then at least three different species shall be planted;
- (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
- (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

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

- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

- (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
- (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

QT. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall also 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 re-vegetation 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 man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage-ways shall be designed and

constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

(6) When an excavation contractor will perform the activities, compliance with the following shall be required:

- (a) A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices at the site. This person shall be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
- (b) The name and certification number of the person who will oversee activities causing or resulting in soil disturbance shall be required on the plan or permit application.

**RU.** 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.

**SV.** 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, tributary stream or wetland.

**FW.** Archaeological Site. 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.

## 16. Administration

### A. 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 30-A M.R.S.A. section 2691.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

### B. 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. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

- (1) A permit is not required for the replacement of an existing road culvert as long as:
  - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
  - (b) The replacement culvert is no longer than 75 feet; and
  - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

### C. 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 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (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 or use would require the installation of a subsurface sewage disposal system.

(5) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

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### D. Fee Schedule

The application for a permit shall be accompanied by an application fee in such amount as the Municipal Officers may by rule from time to time establish.

E. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the

application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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.

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:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will avoid problems associated with floodplain development and use; and
- (8) Is in conformance with the provisions of Section 15, Land Use Standards.

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 statute administered by the municipality.

F. Special Exceptions. In addition to the criteria specified in Section 16(E) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:



Town of Veazie

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
  - (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
  - (3) All proposed buildings, sewage disposal systems and other improvements are:
    - (a) Located on natural ground slopes of less than 20%; and
    - (b) Located outside the floodway of the 100-year floodplain along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.
- If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.
- (4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
  - (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

G. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire, unless a permit renewal is granted. A permit renewal may only be granted after a substantial start is made and within one year of when the substantial start was made. If a permit renewal is granted, the applicant shall have one year from the issuance of the renewal to complete the project, at which time the permit shall expire.

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

## 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 administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) Variance Appeals. Variances may be granted 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:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) 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) — Notwithstanding Section 16(I)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.
- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

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### (3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of

Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

#### (4) Appeal Procedure

##### (a) Making an Appeal

- (i) 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, except for enforcement-related matters as described in Section 16(l)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals 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 the appeal or variance 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.
- (iii) Upon receiving an application for an administrative appeal or a variance, 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.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
  - (ii) The person filing the appeal shall have the burden of proof.
  - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
  - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), 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.
- (6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.
- Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

J. 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 ensure 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 violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

## 17. Definitions.

**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.

**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.

**Agriculture** - the production, keeping or maintenance for sale or lease, of plants /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 green-house products. Agriculture does not include forest management and timber harvesting activities.

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

**Basal Area** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**Basement** - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**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.

**Bureau of Forestry**- State of Maine Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

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

**Canopy** – the more or less continuous cover formed by tree crowns in a wooded area.

**Coastal wetland** – all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest

tide level for the year in which activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

**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.

~~**Cross-sectional area** - the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high water line on one side of the channel to the normal high water line on the opposite side of the channel. The average stream or tributary stream channel is the average of the vertical distances from a straight line between the normal high water lines of the stream or tributary stream channel to the bottom of the channel.~~

Comment [AD9]: Repealed Timber Harvesting

**DBH** – the diameter of a standing tree measured 4.5 feet from ground level.

**Development** – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

~~**Disruption of shoreline integrity** - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.~~

Comment [AD10]: Repealed TH

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, 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** - 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.

**Excavation contractor** – an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

**Expansion of a structure** - an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more ~~floor area~~ footprint of a structure, or ground area devoted to a particular use.

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

**Floodway** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

**Footprint** – the entire area of ground covered by the structures on a premises, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios 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.~~

Comment [AD11]: Repealed TH

~~**Forest Stand** a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.~~

Comment [AD12]: Repealed TH

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland** – freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of two or more contiguous acres; or less than five 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 five acres; and
2. ~~inundated~~inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**Ground cover** – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

~~**Harvest area** – the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting excepting unharvested areas greater than 10 acres within the area affected by a harvest.~~

Comment [AD13]: Repealed TH

**Hazard tree** – a tree with structural defect, combination of defects, or disease resulting in a structural defect that under normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal

injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**Height of a structure** - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**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.

**Increase in nonconformity of a structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

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

**Institutional** - a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

~~**Land Management Road**—a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.~~

Comment [AD14]: Repealed TH

**Licensed forester**- a forester licensed under 32 M.R.S.A. Chapter 76.

**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 marine equipment, bait and tackle shops and marine fuel service facilities.

**Market value** - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Mineral exploration** - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**Mineral extraction** - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

**Native** – indigenous to the local forests.

**Non-conforming condition** – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Non-conforming lot** - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Non-conforming structure** - a structure which does not meet any one or more of the following dimensional requirements; setback, height, lot coverage or footprint, but which is allowed

solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-conforming use** - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.**

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**Nonvegetated surfaces (lot coverage)** – any surface area that is devoid of or functionally devoid of vegetation within the shoreland zone, excluding surfaces that are naturally nonvegetated and not a result of land use activities. Nonvegetated surfaces include, but are not limited to: areas that are constructed through use such as areas of compacted soil; areas of gravel, asphalt, or other similar material; parking areas; driveways; roofs; roads; campsite pads; and engineered paver products of any type, regardless of whether vegetation is present on these surfaces.

**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. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

**Outlet stream** – any perennial stream or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map that flows from a freshwater wetland.

**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.

**Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.**

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

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

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same ~~premises lot~~.

**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:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
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 at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

~~Residual basal area - the average of the basal area of trees remaining on a harvested site.~~

Comment [AD15]: Repealed TH

~~Residual stand - a stand of trees remaining in the forest following timber harvesting and related activities.~~

Comment [AD16]: Repealed TH



**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 floodplain 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, excluding a driveway as defined.

**Salt marsh** – Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

**Comment [AD17]:** Complete definition

**Salt meadow** – Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

**Sapling** - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

**Seedling** - a young tree species that is less than four and one half (4.5) feet in height above ground level.

**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 of a water body or tributary stream, or upland edge of a wetland, 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 or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland zone** - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any river; within 250 feet of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** – the normal high-water line, or upland edge of a wetland.

**Significant River Segments** - See Appendix BA or 38 M.R.S.A. section 437.

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**Skid Road or Skid Trail** - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Storm-damaged tree**- a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**Stream** - a channel between defined banks created by the action of surface water, characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock, and is connected hydrologically with other water bodies or wetlands; or a free-flowing body of water depicted as an intermittent on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey, on the website of the United States Geological Survey or the national map, to the point where the body of water becomes a river or flows to another water body or wetland or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream. Includes streams identified on Town of Veazie Shoreland Map created by James W. Sewall Company dated 1989.

Comment [AD18]: Town has clarified and more defined definition.

**Structure** –whether temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind; and anything built, constructed or erected on or in the ground. The term includes structures temporarily or permanently located such as decks, patios, and satellite dishes. Structure does not include fences; poles; wiring, guy wires, gut anchors and other aerial equipment normally associated with service drops; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; and wells or water wells as defined in Title 32, section 4700-E subsection 8.

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

**Subsurface sewage disposal system** – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

**Tidal waters**- all waters affected by tidal action during the ~~maximum spring~~highest annual tide.

**Timber harvesting** - the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

~~Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.~~

Comment [AD19]: Repealed TH

~~Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.~~

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**Tributary stream** – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed,

## Town of Veazie

devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty feet) tall or taller.

**Vegetation** - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Velocity zone**- an area of special flood hazard extending from offshore to the inland limit of primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**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 river or stream.

**Water crossing** - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland** - a freshwater or coastal wetland.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.

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# Town of Veazie Wireless Telecommunications Facilities Ordinance

## Chapter 31

Enacted Veazie Town Council

Attested by:

Date:

**Section 1. Title**

This Ordinance shall be known and cited as the "Wireless Telecommunications Facilities Ordinance" of the Town of Veazie Maine, (hereinafter referred to as the "ordinance").

**Section 2. Authority**

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 *et seq.*

**Section 3. Purpose**

The purpose of this ordinance is to provide a process and a set of standards for the construction of wireless telecommunications facilities in order to:

Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;

Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities;

Allow competition in telecommunications service;

Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of Town of Veazie

Permit and manage reasonable access to the public rights of way of [municipality] for telecommunications purposes on a competitively neutral basis;

Ensure that all telecommunications carriers providing facilities or services within the Town of Veazie comply with the ordinances of the Town of Veazie.

Ensure that the Town of Veazie can continue to fairly and responsibly protect the public health, safety and welfare;

Encourage the colocation of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community;

Enable the Town of Veazie to discharge its public trust consistent with rapidly-evolving federal and state regulatory policies, industry competition and technological development;



34 Further the goals and policies of the comprehensive plan, while promoting orderly development  
35 of the town with minimal impacts on existing uses; and

36 Protect the scenic and visual character of the community.

## 37 **Section 4. Applicability**

38 This local land use ordinance applies to all construction and expansion of wireless  
39 telecommunications facilities, except as provided in section 4.1.

### 40 **4.1. Exemptions**

41 The following are exempt from the provisions of this ordinance:

42 A.) Temporary wireless communication facilities for emergency communications by public  
43 officials.

44 B.) Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal  
45 Communications Commission (FCC).

46 C.) Parabolic antenna. Parabolic antennas less than seven (7) feet in diameter, that are an  
47 accessory use of the property.

48 D.) Maintenance or repair. Maintenance, repair or reconstruction of a wireless  
49 telecommunications facility and related equipment, provided that there is no change in  
50 the height or any other dimension of the facility.

51 E.) Temporary wireless telecommunications facility. Temporary wireless  
52 telecommunications facility, in operation for a maximum period of one hundred eighty  
53 (180) days.

54 F.) Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling  
55 unit less than thirty-five (35) feet in height.

## 56 **Section 5. Review and Approval Authority**

### 57 **5.1. Approval Required**

58 No person shall construct or expand a wireless telecommunication facility without approval of  
59 the Code Enforcement Officer (CEO) or the Planning Board as follows:

60 A.) Expansion of an Existing Facility and Colocation. Approval by the CEO is required for  
61 any expansion of an existing wireless telecommunications facility that increases the  
62 height of the facility by no more than 20 feet; accessory use of an existing wireless  
63 telecommunications facility; or colocation on an existing wireless telecommunications  
64 facility.

B.) New Construction. Approval of the Planning Board is required for construction of a new wireless telecommunications facility; and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet.

## 5.2. Approval Authority

In accordance with Section 5.1 above, the CEO or Planning Board shall review applications for wireless telecommunications facilities, and make written findings on whether the proposed facility complies with this Ordinance.

## Section 6. Approval Process

### 6.1. Pre-Application Conference

All persons seeking approval of the CEO or the Planning Board under this ordinance shall meet with the CEO no less than thirty (30) days before filing an application. At this meeting, the CEO shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this ordinance.

### 6.2. Application

All persons seeking approval of the CEO or the Planning Board under this ordinance shall submit an application as provided below. The CEO shall be responsible for ensuring that notice of the application has been published in a newspaper of general circulation in the community.

A.) Application for CEO Approval. Applications for permit approval by the CEO must include the following materials and information:

- 1.) Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and the applicant.
- 2.) A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
- 3.) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 70w(5); 36 CFR 60 and 800).
- 4.) Location map and elevation drawings of the proposed facility and any other proposed structures, showing color, and identifying structural materials.
- 5.) For proposed expansion of a facility, a signed statement that commits the owner of the facility, and his or her successors in interest, to:

a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

b.) negotiate in good faith for shared use by third parties;

c.) allow shared use if an applicant agrees in writing to pay reasonable charges for colocation;

d.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

B.) Application for Planning Board Approval. An application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the following information:

1.) Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

2.) A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

3.) A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.

4.) A site plan:

a.) prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;

- 133                   b.) certification by the applicant that the proposed facility complies with all FCC  
134                   standards for radio emissions is required; and
- 135                   c.) a boundary survey for the project performed by a land surveyor licensed by the  
136                   State of Maine.
- 137                   5.) A scenic assessment, consisting of the following:
- 138                   a.) Elevation drawings of the proposed facility, and any other proposed structures,  
139                   showing height above ground level;
- 140                   b.) A landscaping plan indicating the proposed placement of the facility on the site;  
141                   location of existing structures, trees, and other significant site features; the type  
142                   and location of plants proposed to screen the facility; the method of fencing, the  
143                   color of the structure, and the proposed lighting method.
- 144                   c.) Photo simulations of the proposed facility taken from perspectives determined  
145                   by the Planning Board, or their designee, during the pre-application conference.  
146                   Each photo must be labeled with the line of sight, elevation, and with the date  
147                   taken imprinted on the photograph. The photos must show the color of the  
148                   facility and method of screening.
- 149                   d.) A narrative discussing:
- 150                   i.) the extent to which the proposed facility would be visible from or within a  
151                   designated scenic resource,
- 152                   ii.) the tree line elevation of vegetation within 100 feet of the facility, and
- 153                   iii.) the distance to the proposed facility from the designated scenic resource's  
154                   noted viewpoints.
- 155                   6.) A written description of how the proposed facility fits into the applicant's  
156                   telecommunications network. This submission requirement does not require  
157                   disclosure of confidential business information.
- 158                   7.) Evidence demonstrating that no existing building, site, or structure can  
159                   accommodate the applicant's proposed facility, the evidence for which may consist  
160                   of any one or more of the following:
- 161                   a.) Evidence that no existing facilities are located within the targeted market  
162                   coverage area as required to meet the applicant's engineering requirements,
- 163                   b.) Evidence that existing facilities do not have sufficient height or cannot be  
164                   increased in height at a reasonable cost to meet the applicant's engineering  
165                   requirements,

c.) Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

i.) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

ii.) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

iii.) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

d.) For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

e.) Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing facility, building, or structure, and has been denied access;

8.) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

9.) A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

b.) negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

c.) allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation;

d.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but

is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

10.) A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

11.) Evidence that a notice of the application has been published in a local newspaper of general circulation in the community.

### 6.3. Submission Waiver

The CEO or Planning Board, as appropriate, may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the CEO or Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

### 6.4. Fees

#### A.) CEO Application Fee

An application for CEO approval shall include payment of an application fee of \$500.00. The application shall not be considered complete until this fee is paid. The applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Veazie to review the application.

#### B.) Planning Board Application Fee

An application for Planning Board approval shall include payment of an application fee of \$1500.00. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the Town of Veazie to review the application.

#### C.) Planning Board Review Fee

An applicant for approval by the Planning Board shall pay all reasonable and customary fees incurred by the municipality that are necessary to review the application. The review fee shall be paid in full prior to the start of construction.



234 That portion of the review fee not used shall be returned to the applicant within fourteen  
235 (14) days of the Planning Board's decision.

#### 236 6.5. Notice of Complete Application

237 Upon receipt of an application, the CEO shall provide the applicant with a dated receipt. Within  
238 five (5) working days of receipt of an application, the CEO shall review the application and  
239 determine if the application meets the submission requirements. The CEO or Planning Board, as  
240 appropriate, shall review any requests for a waiver from the submission requirements and shall  
241 act on these requests prior to determining the completeness of the application.

242 If the application is complete, the CEO shall notify the applicant in writing of this determination  
243 and require the applicant to provide a sufficient number of copies of the application to the  
244 [Planning Board, Planning Office, Code Enforcement Office, Engineering Department, Police  
245 Department, and Fire Department].

246 If the application is incomplete, the CEO shall notify the applicant in writing, specifying the  
247 additional materials or information required to complete the application.

248 If the application is deemed to be complete, and requires Planning Board review, the CEO shall  
249 notify all abutters to the site as shown on the Assessor's records, by first-class mail, that an  
250 application has been accepted. This notice shall contain a brief description of the proposed  
251 activity and the name of the applicant, give the location of a copy of the application available for  
252 inspection, and provide the date, time, and place of the Planning Board meeting at which the  
253 application will be considered. Failure on the part of any abutter to receive such notice shall not  
254 be grounds for delay of any consideration of the application nor denial of the project.

#### 255 6.6. Public Hearing

256 For applications for Planning Board approval under Section 5.1(B), a public hearing shall be held  
257 within 30 days of the notice of the complete application.

#### 258 6.7. Approval

259 A.) CEO Approval. Within thirty (30) days of receiving a complete application for approval  
260 under section 5.1(A), the CEO shall approve, approve with conditions, or deny the  
261 application in writing, together with the findings on which that decision is based. The  
262 CEO shall approve the application if the CEO finds that the application complies with  
263 the provisions in Section 7.1 of this ordinance.

264 The CEO shall notify all abutters of the decision to issue a permit under this section. The  
265 time period may be extended upon agreement between the applicant and the CEO.

266 B.) Planning Board Approval. Within ninety (90) days of receiving a complete application  
267 for approval under section 5.1(B), the Planning Board shall approve, approve with  
268 conditions, or deny the application in writing, together with the findings on which that

decision is based. However, if the Planning Board has a waiting list of applications that would prevent the Planning Board from making a decision within the required ninety (90) day time period, then a decision on the application shall be issued within sixty (60) days of the public hearing, if necessary, or within 60 days of the completed Planning Board review. This time period may be extended upon agreement between the applicant and the Planning Board.

## **Section 7. Standards of Review**

To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

### **7.1. CEO Approval Standards**

An application for approval by the CEO under Section 5.1(A) must meet the following standards.

A.) The proposed facility is an expansion, accessory use, or colocation to a structure existing at the time the application is submitted.

B.) The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.

C.) The proposed facility increases the height of the existing structure by no more than twenty (20) feet.

D.) The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable.

E.) The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact upon districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

### **7.2. Planning Board Approval Standards**

An application for approval by the Planning Board under Section 5.1(B) must meet the following standards.

#### **A.) Location**

New wireless telecommunications facilities may only be permitted within the Industrial Zone

B.) Siting on Municipal Property. If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:

1.) The proposed location complies with applicable municipal policies and ordinances.

2.) The proposed facility will not interfere with the intended purpose of the property.

3.) The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

C.) Design for Colocation. A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the district height limitation effectively prevents future colocation.

D.) Height. A new wireless telecommunications facility must be no more than one hundred twenty five (125) feet in height above original grade as measured from base of tower or twenty (20) feet above the average tree canopy height.

If the applicant can demonstrate that the tower, including any affixed antenna(s) must exceed 125 feet above ground level or 20 feet above average tree canopy height to receive and transmit RFR signals for its stated purpose or application, the tower height may be extended to achieve the minimum height necessary for proper operation. However, in no case may the tower height exceed 192 feet above ground level.

E.) Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement

F.) Landscaping. A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

G.) Fencing. A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

H.) Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements.

336 However, security lighting may be used as long as it is shielded to be down-directional  
337 to retain light within the boundaries of the site, to the maximum extent practicable.

338 I.) Color and Materials. A new wireless telecommunications facility must be constructed  
339 with materials and colors that match or blend with the surrounding natural or built  
340 environment, to the maximum extent practicable. Unless otherwise required, muted  
341 colors, earth tones and subdued hues shall be used.

342 J.) Structural Standards. A new wireless telecommunications facility must comply with  
343 the current Electronic Industries Association/ Telecommunications Industries  
344 Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel  
345 Antenna Towers and Antenna Supporting Structures."

346 K.) Visual Impact. The proposed wireless telecommunications facility will have no  
347 unreasonable adverse impact upon designated scenic resources within the Town, as  
348 identified either in the municipally adopted comprehensive plan, or by a State or  
349 federal agency.

350 1.) In determining the potential unreasonable adverse impact of the proposed facility  
351 upon the designated scenic resources, the Planning Board shall consider the  
352 following factors:

353 a.) The extent to which the proposed wireless telecommunications facility is visible  
354 above tree line, from the viewpoint(s) of the impacted designated scenic resource;

355 b.) the type, number, height, and proximity of existing structures and features, and  
356 background features within the same line of sight as the proposed facility;

357 c.) the extent to which the proposed wireless telecommunications facility would be  
358 visible from the viewpoint(s);

359 d.) the amount of vegetative screening;

360 e.) the distance of the proposed facility from the viewpoint and the facility's location  
361 within the designated scenic resource; and

362 f.) the presence of reasonable alternatives that allow the facility to function consistently  
363 with its purpose.

364 L.) Noise. During construction, repair, or replacement, operation of a back-up power  
365 generator at any time during a power failure, and testing of a back-up generator  
366 between 8 a.m. and 9 p.m. is exempt from existing municipal noise standards.

367 M.) Historic & Archaeological Properties. The proposed facility, to the greatest degree  
368 practicable, will have no unreasonable adverse impact upon a historic district, site or

369 structure which is currently listed on or eligible for listing on the National Register of  
370 Historic Places.

### 371 7.3. Standard Conditions of Approval

372 The following standard conditions of approval shall be a part of any approval or conditional  
373 approval issued by the CEO or Planning Board. Where necessary to ensure that an approved  
374 project meets the criteria of this ordinance, the Planning Board can impose additional conditions  
375 of approval. Reference to the conditions of approval shall be clearly noted on the final approved  
376 site plan, and shall include:

377 1.) The owner of the wireless telecommunications facility and his or her successors and assigns  
378 agree to:

379 a.) respond in a timely, comprehensive manner to a request for information from a potential  
380 colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of  
381 preparing a response;

382 b.) negotiate in good faith for shared use of the wireless telecommunications facility by third  
383 parties;

384 c.) allow shared use of the wireless telecommunications facility if an applicant agrees in  
385 writing to pay reasonable charges for colocation.

386 d.) require no more than a reasonable charge for shared use of the wireless  
387 telecommunications facility, based on community rates and generally accepted  
388 accounting principles. This charge may include, but is not limited to, a pro rata share of  
389 the cost of site selection, planning project administration, land costs, site design,  
390 construction and maintenance, financing, return on equity, depreciation, and all of the  
391 costs of adapting the tower or equipment to accommodate a shared user without causing  
392 electromagnetic interference. The amortization of the above costs by the facility owner  
393 shall be accomplished at a reasonable rate, over the life span of the useful life of the  
394 wireless telecommunications facility.

395 2.) Upon request by the municipality, the applicant shall certify compliance with all applicable  
396 FCC radio frequency emissions regulations.

### 397 Section 8. Amendment to an Approved Application

398 Any changes to an approved application must be approved by the CEO or the Planning Board, in  
399 accordance with Section 5.

### 400 Section 9. Abandonment

401 A wireless telecommunications facility that is not operated for a continuous period of twelve (12)  
402 months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility

403 in writing and order the removal of the facility within ninety (90) days of receipt of the written  
404 notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to  
405 demonstrate to the CEO that the facility has not been abandoned.

406 If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60)  
407 days to remove the facility. If the facility is not removed within this time period, the municipality  
408 may remove the facility at the owner's expense. The owner of the facility shall pay all site  
409 reclamation costs deemed necessary and reasonable to return the site to its pre-construction  
410 condition, including the removal of roads, and reestablishment of vegetation.

411 If a surety has been given to the municipality for removal of the facility, the owner of the facility  
412 may apply to the Planning Board for release of the surety when the facility and related equipment  
413 are removed to the satisfaction of the Planning Board.

## 414 **Section 10. Appeals**

415 Any person aggrieved by a decision of the CEO or the Planning Board under this ordinance may  
416 appeal the decision to the Board of Appeals. Written notice of an appeal must be filed with the  
417 Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state  
418 the reasons for the appeal.

## 419 **Section 11. Administration and Enforcement**

420 The CEO, as appointed through either the Zoning Ordinance by the Town Council, shall enforce  
421 this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO  
422 shall notify in writing the person responsible for such violation, indicating the nature of the  
423 violation, and ordering the action necessary to correct it. The CEO shall order correction of the  
424 violation and may take any other legal action to ensure compliance with this ordinance.

425 The Town Council, or their authorized agent, are authorized to enter into administrative consent  
426 agreements for the purpose of eliminating violations of this ordinance and recovering fines  
427 without court action. Such agreements shall not allow a violation of this ordinance to continue  
428 unless: there is clear and convincing evidence that the violation occurred as a direct result of  
429 erroneous advice given by an authorized municipal official upon which the applicant reasonably  
430 relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of  
431 the violation will result in a threat to public health and safety or substantial environmental  
432 damage.

## 433 **Section 12. Penalties**

434 Any person who owns or controls any building or property that violates this ordinance shall be  
435 fined in accordance with Title 30-A M.R.S.A. § 4452. Each day such violation continues after  
436 notification by the CEO shall constitute a separate offense.

## 437 **Section 13. Conflict and Severability**



438 13.1. Conflicts with other Ordinances

439 Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of  
440 this ordinance or of any other ordinance, regulation, or statute, the more restrictive provision  
441 shall apply.

442 13.2. Severability

443 The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.

444 **Section 14. Definitions**

445 The terms used in this ordinance shall have the following meanings:

446 "Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for  
447 the transmission or reception of radio or electromagnetic frequency signals.

448 "Antenna Height" means the vertical distance measured from the base of the antenna support  
449 structure at grade to the highest point of the structure, even if said highest point is an antenna.  
450 Measurement of tower height shall include antenna, base pad, and other appurtenances and shall  
451 be measured from the finished grade of the facility site. If the support structure is on a sloped  
452 grade, then the average between the highest and lowest grades shall be used in calculating the  
453 antenna height.

454 "Average Tree Canopy Height" an average height found by inventorying the height, above  
455 ground level of all trees over twenty feet in height within the area that extends for a distance of  
456 tree hundred feet from the base of the mount, security barrier, or designated clear area for access  
457 to equipment, whichever is greater. Trees removed for construction shall not be used in this  
458 calculation. The default tree canopy height in Veazie is assumed to be sixty-five feet and this  
459 value may be used in place of a measurement.

460 "Colocation" means the use of a wireless telecommunications facility by more than one wireless  
461 telecommunications provider.

462 "Expansion" means the addition of antennas, towers, or other devices to an existing structure.

463 "FAA" means the Federal Aviation Administration, or its lawful successor.

464 "FCC" means the Federal Communications Commission, or its lawful successor.

465 "Height" means the vertical measurement from a point on the ground at the mean finish grade  
466 adjoining the foundation as calculated by averaging the highest and lowest finished grade around  
467 the building or structure, to the highest point of the building or structure. The highest point shall  
468 exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water  
469 towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building  
470 accessory features usually erected at a height greater than the main roofs of buildings.

471 "Historic or Archaeological Resources" means resources that are:

472 1. Listed individually in the National Register of Historic Places or eligible for listing on the  
473 National Register;

474 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the  
475 historical significance of a registered historic district or a district preliminarily determined by the  
476 Secretary of the Interior to qualify as a registered historic district;

477 3. Individually listed on a state inventory of historic places in states with historic preservation  
478 programs approved by the Secretary of the Interior;

479 4. Individually listed on a local inventory of historic places in communities with historic  
480 preservation programs that have been certified by Secretary of the Interior through the Maine  
481 Historic Preservation Commission; or

482 5. Areas identified by a governmental agency such as the Maine Historic Preservation  
483 Commission as having significant value as an historic or archaeological resource and any areas  
484 identified in the municipality's comprehensive plan, which have been listed or are eligible to be  
485 listed on the National Register of Historic Places.

486 "Historic District" means a geographically definable area possessing a significant concentration,  
487 linkage or continuity of sites, buildings, structures or objects united by past events or  
488 aesthetically by plan or physical development and identified in the municipality's comprehensive  
489 plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such  
490 historic districts may also comprise individual elements separated geographically, but linked by  
491 association or history.

492 "Historic Landmark" means any improvement, building or structure of particular historic or  
493 architectural significance to the Town relating to its heritage, cultural, social, economic or  
494 political history, or which exemplifies historic personages or important events in local, state or  
495 national history identified in the municipality's comprehensive plan, which have been listed or  
496 are eligible to be listed on the National Register of Historic Places.

497 "Line of sight" means the direct view of the object from the designated scenic resource.

498 "Parabolic Antenna" (also known as a satellite dish antenna) means an antenna which is bowl-  
499 shaped, designed for the reception and/or transmission of radio frequency.

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ITEM # 10

# Town of Veazie Property Maintenance Ordinance

Chapter 34

Enacted Veazie Town Council

Attested by:

Date:

## **Section 1. Title**

This Ordinance shall be known and cited as the "Property Maintenance Ordinance" of the Town of Veazie Maine, (hereinafter referred to as the Ordinance").

## **Section 2. Authority**

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A. Section 4312 *et seq.*

## **Section 3. Purpose**

The purpose of this Ordinance is to get a minimum standard for the condition and maintenance of the exterior of all buildings and structures and the premises surrounding said buildings and structures, to include vacant lots. This Ordinance shall apply to all properties in the Town of Veazie.

## **Section 4. Maintenance Required**

All buildings and structures, and all parts thereof, shall be maintained in a safe, sanitary and non-hazardous manner. All means of egress shall be kept in good working order. The exterior of all premises and the condition of all buildings, structures and components thereon shall be maintained so as to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance insuring that the property itself may be preserved safely, and that hazards to the public health and safety are avoided.

Violations of this Ordinance are established when it is demonstrated that conditions found contrary to this Ordinance create a risk to health and/or safety.

## **Section 5. Maintenance Standards/Premises and Yard Areas**

1. All premises and yard areas shall be maintained in a safe and sanitary condition.
2. Weeds and grass shall be kept from becoming overgrown.
3. All yards, or lots shall be kept free of accumulations of trash, garbage, refuse, junk or other material which may cause a fire, health or safety hazard or may act as a breeding place for vermin.



## **Section 6. Enforcement**

The Code Enforcement Officer of the Town of Veazie shall enforce the provisions of this Ordinance. In the event of a violation, the Code Enforcement Officer shall notify the property owner, serving a written notice by certified mail. Said notice shall explain the nature of the violation and allow no more than thirty (30) days from the date of the receipt of the notice to correct the violation. If the violation is not corrected within the required time allowed, the property owner shall be subject to penalties as set forth in Section 7. Appeals from enforcement may be made to the Board of Appeals in writing.

## **Section 7. Penalties**

Any person who violates any provision of this Ordinance commits a civil violation punishable by a civil penalty of \$25.00 for each day the violation continues beyond allotted correction period as referenced in Section 6. In addition, the Town may pursue all remedies and relief available at law and/or inequity, including without limitation the remedies and relief provided in Title 30-A M.R.S.A. §4452.

## **Section 8. Maintenance After Casualty Damage**

Within a period of ninety (90) days after casualty damage to property grounds or structures, the owner shall cause or contract for the repair or restoration of damaged areas and the demolition of any areas not to be repaired and the removal of all debris connected therein. The CEO may grant an extension under certain hardship conditions upon written request.

## **Section 9. Effective Date**

This Ordinance shall be effective upon adoption by the Veazie Town Council.



ITEM # 11



**PENOBSCOT COUNTY**  
**UNORGANIZED TERRITORY ADMINISTRATION**  
*Barbara Veilleux, Director*  
*97 Hammond Street*  
*Bangor, ME 04401*

*Phone: 207-942-8566*  
*Fax: 207-945-4933*

December 20, 2016

Town of Veazie  
Mark Leonard, Manager  
1084 Main Street  
Veazie, ME 04401

Dear Mark,

Enclosed are three copies of the 2017 Animal Control contract with Penobscot County. This contract mirrors the draft that I sent for review earlier in the month.

As requested, I have averaged Veazie's costs over the last three years. That average is approximately \$1,000 annually but costs for 2016 are approaching \$1,500 due to a number of cat trappings and a dog bite that required the animal to be quarantined.

Please have your council review and sign if this new contract is acceptable. I will return an executed copy once my commissioners sign. Thank you and enjoy the holiday season!

Sincerely,

Barbara A. Veilleux, Director



## ANIMAL CONTROL AGREEMENT

This Agreement is made this \_\_\_\_\_ day of January, 2017 by and between the **TOWN OF VEAZIE**, a political subdivision of the state of Maine located in Penobscot County (hereinafter referred to as the "Town") and **PENOBSCOT COUNTY**, a body politic within the State of Maine, having its principal office located in Bangor (hereinafter referred to as the "County").

1. **Term:** The term of this contract shall commence on January 16, 2017, and end on January 15, 2018.
2. **Scope of Services:** The County agrees to provide animal control services for purposes of MRSA Title 7, Chapter 725 to the Town through a Regional Animal Control Officer ("ACO") employed by the County. Such services include, but are not necessarily limited to:
  - a. Responding to domesticated animal complaints;
  - b. Control of dogs running at large;
  - c. Enforcement of rabies vaccination requirements and procedures to prevent the spread of rabies;
  - d. Providing medical care to injured animals;
  - e. Enforcement of municipal animal ordinances;
  - f. Remediation of animal trespass situations; and
  - g. Initial investigation of animal cruelty complaints (State Animal Welfare will be brought in if animal cruelty complaints are founded and require further attention).
3. **Response Times:** The ACO will be dispatched by the Penobscot Regional Communications Center and will be expected to respond to all calls within 24 hours. In addition, the ACO will respond to urgent or emergency calls as soon as possible. The ACO will immediately notify the Town of unusual situations such as dog bites, summonses, cruelty investigations, seizures and rabies cases.



4. **Record Keeping:** The ACO will keep detailed records of all calls relating to the Town, which records will be provided to the Town on a monthly basis. The call records will contain the following information: date of call, town name, physical address, the nature of the call, total call time, and total mileage.
5. **Training & Certification:** The ACO will be trained and certified as required under 7 MRSA § 3906-B(4).
6. **Inoculations:** The Town agrees to share equally in the cost of rabies inoculations that may be required due to the performance of this contract.
7. **Town Responsibilities:** The Town shall:
  - a. Appoint the ACO as the Town's ACO;
  - b. Maintain a contract with an approved shelter as required by 7 M.R.S. §3949;
  - c. Remain in good standing with veterinarian clinics used for animal control related services;
  - d. Provide information related to registration of animals to the ACO;
  - e. Provide to the ACO copies of ordinances related to domesticated animals specific to the Town; and
  - f. Direct all animal control complaints to the ACO through the Penobscot County Regional Communications Center for relay to the ACO.
8. **Compensation:**
  - a. The Town agrees to pay the County **Thirteen dollars and 25 cents (\$13.25)** per hour and **Fifty cents (\$.50)** per mile for the time and travel the ACO logs while responding to animal complaints in the town. The County will invoice the Town for time and mileage on a quarterly basis, beginning on April 15, 2017.
  - b. In addition, the Town agrees to pay the County an administration fee of 3% of the total time and mileage each quarter.





- c. Payment is due within thirty (30) days of receipt of the invoice. The County may charge interest on any unpaid balance after forty-five (45) days from the date of the invoice.
9. **Termination:** Either party may terminate this agreement for no cause upon thirty (30) days written notice.
10. **Indemnification and Hold Harmless:** The Town hereby agrees to indemnify, save harmless and defend the Penobscot County together with any officers, officials, managers, supervisory employees, as well as their agents, persons acting in their interests, predecessors, successors, subsidiaries, affiliates, attorneys, insurers and assigns, and any related or affiliated entity, from and against any and all liabilities, claims, penalties, forfeitures, suits and costs and expenses incident thereto on account of or in any way arising out of this Agreement.
11. **Governing Law:** This Agreement has been executed and delivered in Maine and its interpretation, validity and performance shall be construed in conformance with the laws of Maine.
12. **Entire Agreement:** This Agreement contains the entire agreement between the County and Town with respect to this subject matter.

IN WITNESS WHEREOF, the parties hereunder duly authorized have executed and delivered this agreement.

**PENOBSCOT COUNTY  
COMMISSIONERS**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Thomas J. Davis, Jr.  
Its: Chairman

\_\_\_\_\_  
Laura Sanborn

\_\_\_\_\_  
Peter K. Baldacci



**TOWN OF VEAZIE**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Councilor

\_\_\_\_\_  
Town Councilor

\_\_\_\_\_  
Town Councilor

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Town Councilor

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Town Councilor



# **Manager's Report For January 9, 2017 Council Meeting**

Since the last council meeting here are some things I've been working on as well as things occurring around Town.

I attended a meeting for the Maine Chiefs Award Committee which I am a member of. We are looking to award approximately 15 different people from around the state for numerous acts that have been committed over the last year.

I met with and spoke at length with a consultant the Sewer District has hired. It is my understanding this consultant will also be present when we meet with the sewer District Trustees at the January 23 Council meeting

I have contacted the banking institutes that providing pricing on financing the municipal building project. I have also spoken to legal counsel and we are still continuing to map a path forward.

Barney Silver and I have met with a representative from Stillwater Environmental Engineering to discuss a salt application best management practice. SEE will provide a draft document from this meeting for us to review and ultimately finalize. This is another requirement for our MS4 Permit.

I attended the Board of Directors Meeting for the New England Association of Chiefs of Police. The New England Chiefs presented me with a check to present to Sgt. Gardner's Mother. You may recall that Sgt. Gardner unexpectedly passed away approximately two months ago after having surgery for a job related injury. Sgt Gardner was a long time resident of the Town of Veazie and his Brother, William is a current member of the Veazie Police Department.

A group of people from Lou Silver Construction, Hopkins Paving and the Veazie Community School met to discuss the water drainage problem at the entrance of the school. It was thought a new catch basin was going to need to be installed to deal with the issue but it was ultimately determined one already existed and just needed to be cleaned off. The school is in hopes to pave the front area of the school in the coming year and at this time the paving will be shaped to finally address the problem.

The school has finalized the installation of the new camera system which we obtained through a homeland security grant. This was the final project with the other being the TV system for the council chambers so I have requested reimbursement from Penobscot EMA for these projects. The total requested was approximately \$9,200.00.

I have worked with the Town Forester to complete the Tree City application for the Town of Veazie. This should be submitted this week to Tree City.

I have received suggested updates to the contract between the Town and the Town Forester. I will be adding these suggestions to the contract and present them to Golden Forestry Services for review.

# **Manager's Report For January 9, 2017 Council Meeting**

I have been preparing reports for the budget committee as we have a first/second quarter review meeting set for January 12.

Machias Savings Bank has given the Town of Veazie \$1,000.00 to use toward the waterfront park once it has been obtained by the Town. This is the second donation they have made to the Town of Veazie. A previous donation was made to the Community Center to help with the purchase of the sign for the front of the building. I will be drafting a thank you letter to them for the recent donation.

The water district contacted me to notify me they would be working on a leak located on Chase Road near Mt View. This disrupted water service for that area which resulted in a few calls from concerned citizens. The pipe was repaired and water service was restored.

## Attachments:

1. Letter from Machias Savings Bank reference donation to the river front park
2. Copy of email sent to SigEp Maine from the Conservation Commission
3. Assessors update from Assessor Birch dated November 15, 2016
4. Letter from Senator Dill dated December 13, 2016
5. Letter from USA Energy Group dated December 14, 2016
6. An elected officials guide to emergency management





Experienced people. Exceptional service.

October 21, 2016

Mark Leonard, Town Manager  
Town Of Veazie  
1084 Main Street  
Veazie, ME 04401

Dear Mr. Leonard:

This letter is to inform you that Machias Savings Bank is happy to provide funds needed in support of the **"Waterfront Park"**. Enclosed please find your check in the amount of \$1,000.00.

Machias Savings Bank prides itself in supporting the community, especially when it involves such a worthy cause. On behalf of everyone at Machias Savings Bank, please accept our best wishes in your future fund-raising efforts.

Regards,

A handwritten signature in cursive script that reads "Charlene Cates".

Charlene Cates  
Corporate Giving and Community Relations

CC/cwh





Message

Fri, Nov 11, 2016 12:14 PM

From: Linda Swackhamer <linswak@gmail.com>  
To: braydon.norris@maine.edu Andy Brown <andyb@maine.edu>  
 **Mark Leonard** David Wardrop <goldenforestry@gmail.com>  
 joseph.davis@maine.edu

Subject: Veazie Trail day

Attachments: OLT\_Fall2016.pdf / Uploaded File (6.3M)  
 VeazieTrailDay.jpg / Uploaded File (6.8M)

Dear men of SigEp Maine,

I would like to take this opportunity to thank you all for participating in the recent Veazie Trail Day. On behalf of the Veazie Conservation Commission, we appreciated your fine work and good humor to help us improve our public spaces, such as the new trailhead on Davis Drive. We are glad to share and care for our town, and provide access to the outdoors for our citizens.

Attached is a photo and an article about Trail Day in the Orono Land Trust newsletter. Veazie Lands Committee is a member of the Land Trust, and your organization was a part of the area-wide effort that day.

In appreciation,  
Linda Swackhamer,  
Veazie Conservation Commission member,  
Orono Land Trust Veazie representative,  
and Veazie neighbors



**TOWN OF VEAZIE**  
1084 Main Street  
Veazie, Maine 04401-7091  
Tel : (207) 947-2781 Fax: (207) 942-1654



**MEMORANDUM FOR RECORD**

TO: Mark Leonard, Veazie Town Manager  
CC: Veazie Town Councilors  
FROM: Benjamin F. Birch, Jr., Assessor  
Date: November 15, 2016

**RE: Assessor's Update as of November 15, 2016**

As Assessor, I thank for the opportunity to provide this assessment update. As you know, I provide information from the Maine Real Estate Information System, Inc., d/b/a Maine Listings and the Office of the Federal Housing Enterprise Oversight (OFHEO) now the Federal Housing Finance Agency, recent news releases.

**A. News releases from Maine Real Estate Information System, Inc., (d/b/a) Maine Listings)**

**The Housing and Real Estate Market**

*Source: Maine Real Estate Information System, Inc. Note: MRESIS, a subsidiary of the Maine Association of Realtors, is a state-wide Multiple Listing Service with over 4,600 licensees inputting active and sold property listing data. Statistics reflect properties reported as sold in the system with the time periods indicated.*

**AUGUSTA (July 21, 2016)** – Home values in Maine are rising at a healthy pace, according to statistics released by the Maine Association of Realtors. Realtors across the state of Maine reported 1,960

transactions of existing, single-family homes during the month of June, leading to a sales increase of 9.62 percent in the past year. Sales prices for those homes rose 5.46 percent to a median sales price of \$198,000.

Ed Gardner, 2016 President of the Maine Association of Realtors, says, "As the data shows, real estate sales and values continue to be strong, and conversations with Realtors across Maine indicate continued confidence in the marketplace. New construction including spec homes, are more prevalent than we've experienced in recent years." See Encl. 1

**AUGUSTA (August 24, 2016)** – The Maine Association of Realtors reported that 1,710 homes changed hands in July 2016 – 39 fewer closings than July 2015. Prices continued to rise, at a rate of 4.66 percent in one year. The median sales price (MSP) for those homes rose to \$197,700, up from \$188,900 one year ago.

Ed Gardner, 2017 President of the Maine Association of Realtors, says, "For the past year, Maine has enjoyed a healthy real estate market. We have experienced month-over-month increases of both unit sales and median sale prices, almost ten percent in units sold, from this past quarter to the same in 2015. The month of July 2016 took a dip in units sold- a little over 2 percent from last July- probably due to the lack of available inventory for buyers." See Encl. 2

**AUGUSTA (October 20, 2016)** – Maine Realtors reported 1,732 homes sold across Maine's 16 counties during September 2016 – an increase of 6.13 percent over September 2015. The median sales price (MSP) for homes sold reached \$188,038 up 1.4 percent.

"Early autumn statistics showed continued stability in most markets across Maine." said Ed Gardner, President of the Maine Association of Realtors and Broker/Owner of Ocean Gate Realty LLC. "Should sellers take their homes off the market and wait through the holidays? No – life circumstances bring a steady stream of buyers into the

marketplace. Colder weather tends to bring out the more serious buyers and investors who want to take advantage of tax benefits prior to year-end. See Encl. 3

## **B. News releases from the Federal Housing Finance Agency (FHFA)**

*Source: The Federal Housing Agency regulates Fannie Mae, Freddie Mac and the 12 Federal Home Loan Banks. These government-sponsored enterprises provide more than \$5.6 trillion in funding for the U.S. mortgage markets and financial institutions. Additional information is available at [www.FHFA.gov](http://www.FHFA.gov).*

**Washington, DC, (August 24, 2016)** – U.S. house prices rose 1.2 percent in the second quarter of 2016 according to the Federal Housing Finance Agency (FHFA) House Price Index (HPI). House prices rose **5.6 percent** from the second quarter of 2015 to the second quarter of 2016.

“Although the appreciation rate for the second quarter was of similar magnitude to what we’ve been seeing for several years now, a close look at the month-to-month price changes during the quarter reveals a potentially significant market shift,” said FHFA Supervisory Economist Andrew Leventis. “Our monthly price index indicates that in each of the three months of the quarter, the increase was only 0.2 percent. This is a much more modest pace of appreciation than we’ve seen in some time and most likely reflects accumulated pressures from significantly reduce home affordability,” Leventis said.

While the HPI rose 5.6 percent from the second quarter of 2015 to the second quarter of 2016, prices of other goods and services were nearly unchanged. The inflation-adjusted price of homes thus rose approximately 5.7 percent over the latest year.



## Significant findings

- Home prices rose in every state except Vermont between the second quarter of 2015 and the second quarter of 2016. The top five areas in annual appreciation: 1) Oregon 11.7 percent; 2) Washington 10.3 percent; 3) Colorado 10.2 percent; 4) Florida 10.0 percent; and 5) Nevada 9.6 percent.
- Among the 100 most-populated metropolitan areas in the U.S., annual price increases were greatest in North Port-Sarasota-Bradenton, FL, where prices increased by 15.7 percent. Prices were weakest in Bridgeport-Stamford-Norwalk, CT, where they fell 3.3 percent.
- Of the nine census divisions, the Mountain division experienced the strongest increase in the second quarter, posting a 1.9 percent quarterly increase and an 8.1 percent increase since the second quarter of last year. House price appreciation was weakest in the Middle Atlantic division, where prices rose 0.6 percent from the last quarter.

The enclosed packet provides tables and graphs showing home price statistics for metropolitan areas, states, census divisions, and the U.S. as a whole. Encl. 4

**Washington, DC, (September 22, 2016)** U.S. house prices rose in July, up 0.5 percent on a seasonally adjusted basis from the previous month, according to the Federal Housing Finance Agency (FHFA) monthly House Price Index (HPI). The previously reported 0.2 percent increase in June was revised upward to reflect a 0.3 percent increase.

For the nine census divisions, seasonally adjusted monthly price changes from June 2016 to July 2016 ranged from **+0.2 percent** in the Middle Atlantic division to **+1.0 percent** in the East South Central Division. The 12-month changes were also all positive, ranging from **+2.6 percent** in the New England division to +8.9 percent in the Middle Atlantic division to +7.7 percent in the Pacific division. Encl. 5

**Washington, DC (October 25, 2016)** U.S. house prices rose in August, up **0.7 percent** on a seasonally adjusted basis from the previous month, according to the Federal Housing Finance Agency (FHFA) monthly House Price Index (HPI). The previously reported 0.5 percent increase in July remained unchanged.

For the nine census divisions, seasonally adjusted monthly price changes from July 2016 to August 2016 ranged from no change in the West North Central division to **+1.2 percent** in the New England division. The 12-month changes were all positive, ranging from **+3.3 percent** in the Middle Atlantic division to **+7.9 percent** in the Pacific division. See Encl. 6

FOR IMMEDIATE RELEASE

CONTACTS: LISTED BELOW

## HOME SALES AND PRICES RISE IN JUNE

Augusta (July 21, 2016)— Home values in Maine are rising at a healthy pace, according to statistics released by the Maine Association of Realtors. Realtors across the state of Maine reported 1,960 transactions of existing, single-family homes during the month of June, leading to a sales increase of 9.62 percent in the past year. Sales prices for those homes rose 5.49 percent to a median sales price of \$198,000. The MSP indicates that half of the homes were sold for more and half sold for less.

The National Association of Realtors (NAR) today announced a 3.1 increase in sales nationwide in June; the national MSP of \$249,800 represents a 5.0 price jump over the past 12 months. Regionally, the Northeast experienced a 5.6 increase in sales and a 1.4 percent rise in prices, to equal a regional MSP of \$284,800.

Ed Gardner, 2016 President of the Maine Association of Realtors, says, “As the data shows, real estate sales and values continue to be strong, and conversations with Realtors across Maine indicate continued confidence in the marketplace. New construction, including spec homes, are more prevalent than we’ve experienced in recent years. The ‘days on market’ for sold properties has been declining during 2016, indicating qualified buyers are making their moves.”

Gardner, Broker/Owner of Ocean Gate Realty added, “A recent report released by the U.S. Commerce Department stated that the value of owning a home in the U.S. has never been greater, due to continued low mortgage interest rates and prices that have recovered and grown since the recession. Contact your local Realtor for guidance to determine if owning a home, with its federal and state tax deductions, is financially feasible for your household.”

Below are two charts showing statistics for Maine and its 16 counties. The first chart lists statistics for the month of June only, statewide. The second chart compares the number of existing, single-family homes sold (units) and volume (MSP) during the rolling quarter of April, May and June of 2015 and 2016.

(Continued)

ENCL 1-1

## JUNE ONLY CHART

June 1-30, 2015 – June 1-30, 2016

	NUMBER OF UNITS			MEDIAN SALES PRICE		
	2015	2016	%Change	2015	2016	%Change
STATEWIDE	1788	1960	9.62%	\$187,700	\$198,000	5.49%

## ROLLING QUARTER CHART

From April 1, 2015 – June 30, 2015 and  
April 1, 2016 – June 30, 2016

County	NUMBER OF UNITS			MEDIAN SALES PRICE		
	2015	2016	%Change	2015	2016	%Change
STATEWIDE	4155	4917	18.34%	\$184,000	\$190,000	3.26%
Androscoggin	264	312	18.18%	\$137,250	\$149,000	8.56%
Aroostook	125	150	20.00%	\$90,000	\$84,750	-5.83%
Cumberland	1159	1266	9.23%	\$249,000	\$267,700	7.51%
Franklin	72	112	55.56%	\$136,250	\$125,000	-8.26%
Hancock	164	220	34.15%	\$199,000	\$187,500	-5.78%
Kennebec	355	425	19.72%	\$139,000	\$140,000	0.72%
Knox	138	147	6.52%	\$184,500	\$225,000	21.95%
Lincoln	104	157	50.96%	\$167,000	\$200,000	19.76%
Oxford	175	214	22.29%	\$138,000	\$148,000	7.25%
Penobscot	365	495	35.62%	\$133,000	\$135,000	1.50%
Piscataquis	66	83	25.76%	\$94,500	\$81,450	-13.81%
Sagadahoc	114	148	29.82%	\$179,000	\$192,450	7.51%
Somerset	111	146	31.53%	\$84,000	\$87,250	3.87%
Waldo	113	129	14.16%	\$150,000	\$162,000	8.00%
Washington	51	63	23.53%	\$99,000	\$85,000	-14.14%
York	779	850	9.11%	\$231,500	\$235,900	1.90%

Source: Maine Real Estate Information System, Inc. (d/b/a Maine Listings). Note: Maine Listings, a subsidiary of the Maine Association of REALTORS, is a statewide Multiple Listing Service with over 4,300 licensees inputting active and sold property listing data. Statistics reflect properties reported as sold in the system within the time periods indicated. Contacts: Maine Association of REALTORS President Ed Gardner (Ocean Gate Realty, LLC) – 773-1919 – [ed@oceangaterealty.com](mailto:ed@oceangaterealty.com) - Maine Association of REALTORS President-Elect Greg Gosselin (Gosselin Realty Group) – 363-2414 – [greg@greggosselin.com](mailto:greg@greggosselin.com) For more names: [suzanne@mainerealtors.com](mailto:suzanne@mainerealtors.com).

# # #

Encl 1-2

FOR IMMEDIATE RELEASE  
CONTACTS: LISTED BELOW

## MAINE HOME VALUES UP 4.66 PERCENT IN JULY; SALES DIP SLIGHTLY

AUGUSTA (August 24, 2016)— The Maine Association of Realtors today reports that 1,710 homes changed hands in July 2016— 39 fewer closings than July 2015. Prices continued to rise, at a rate of 4.66 percent in one year. The median sales price (MSP) for those homes rose to \$197,700, up from \$188,900 one year ago. The MSP indicates that half of the homes were sold for more and half sold for less.

According to The National Association of Realtors (NAR), single-family existing home sales across the country were down 0.8 percent in July. The national MSP of \$246,000 represents a 5.4 increase from July 2015. Regionally, sales in the Northeast eased 5.7 percent, while the regional MSP rose 3.3 percent to \$284,000 above July 2015.

Ed Gardner, 2016 President of the Maine Association of Realtors, says, “For the past year, Maine has enjoyed a healthy real estate market. We have experienced month-over-month increases of both unit sales and median sale prices, almost ten percent in units sold, from this past quarter to the same in 2015. The month of July 2016 took a dip in units sold—a little over 2 percent from last July—probably due to the lack of available inventory for buyers. The median sale price remained strong with a 4.66 percent increase over the past 12 months.”

Gardner, Broker/Owner of Ocean Gate Realty LLC, adds, “With low interest rates and low competition in most areas, now is the time for sellers to find buyers for their current homes. It’s the perfect market for sellers and buyers to come together.”

Below are two charts showing statistics for Maine and its 16 counties. The first chart lists statistics for the month of July only, statewide. The second chart compares the number of existing, single-family homes sold (units) and volume (MSP) during the rolling quarter of May, June and July of 2015 and 2016.

(CONTINUED)

ENCL 2-1

## JULY ONLY CHART

July 1-31, 2015 – July 1-31, 2016

County	NUMBER OF UNITS SOLD			MEDIAN SALE PRICE		
	2015	2016	%Change	2015	2016	%Change
STATEWIDE	1749	1710	-2.23%	\$188,900	\$197,700	4.66%

## ROLLING QUARTER CHART

From May 1, 2015 – July 31, 2015 and  
May 1, 2016 – July 31, 2016

County	NUMBER OF UNITS SOLD			MEDIAN SALE PRICE		
	2015	2016	%Change	2015	2016	%Change
STATEWIDE	4872	5342	9.65%	\$187,000	\$196,000	4.81%
Androscoggin	293	329	12.29%	\$139,900	\$149,000	6.50%
Aroostook	143	154	7.69%	\$97,000	\$89,250	-7.99%
Cumberland	1377	1393	1.16%	\$254,900	\$277,000	8.67%
Franklin	81	121	49.38%	\$137,500	\$118,000	-14.18%
Hancock	188	213	13.30%	\$193,450	\$189,000	-2.30%
Kennebec	420	436	3.81%	\$141,500	\$146,250	3.36%
Knox	158	188	18.99%	\$193,500	\$210,000	8.53%
Lincoln	130	162	24.62%	\$171,250	\$199,750	16.64%
Oxford	195	251	28.72%	\$143,500	\$152,000	5.92%
Penobscot	439	522	18.91%	\$135,000	\$144,250	6.85%
Piscataquis	82	81	-1.22%	\$97,500	\$90,000	-7.69%
Sagadahoc	135	160	18.52%	\$200,000	\$200,000	0.00%
Somerset	144	152	5.56%	\$95,000	\$97,000	2.11%
Waldo	146	156	6.85%	\$157,750	\$167,450	6.15%
Washington	70	91	30.00%	\$89,500	\$100,000	11.73%
York	871	933	7.12%	\$235,000	\$240,500	2.34%

Source: Maine Real Estate Information System, Inc. (d/b/a Maine Listings). Note: Maine Listings, a subsidiary of the Maine Association of REALTORS, is a statewide Multiple Listing Service with over 4,300 licensees inputting active and sold property listing data. Statistics reflect properties reported as sold in the system within the time periods indicated. Contacts: Maine Association of REALTORS President Ed Gardner (Ocean Gate Realty, LLC) – 773-1919 – [ed@oceangaterealty.com](mailto:ed@oceangaterealty.com) - Maine Association of REALTORS President-Elect Greg Gosselin (Gosselin Realty Group) – 363-2414 – [greg@greggosselin.com](mailto:greg@greggosselin.com) For more names: [suzanne@mainerealtors.com](mailto:suzanne@mainerealtors.com)

# # #

Encl 2-2

FOR IMMEDIATE RELEASE  
CONTACTS: LISTED BELOW

## SEPTEMBER HOME SALES UP 6.13 PERCENT; SALES PRICES RISE 1.4 PERCENT

AUGUSTA (October 20, 2016)— Maine Realtors report 1,732 homes sold across Maine's 16 counties during September 2016—an increase of 6.13 percent over September 2015. The median sales price (MSP) for homes sold reached \$188,038, up 1.4 percent. The MSP indicates that half of the homes were sold for more and half sold for less.

The National Association of Realtors reported a 0.6 percent rise in sales of single-family existing homes, nationwide. The national MSP reached \$235,700, up 5.6 percent compared to last September. Sales in the regional Northeast jumped 5.7 percent, and the MSP rose 2.1 percent to \$261,600.

"Early autumn statistics show continued stability in most markets across Maine." says Ed Gardner, President of the Maine Association of Realtors and Broker/Owner of Ocean Gate Realty LLC. "Should sellers take their homes off the market and wait through the holidays? No – life circumstances bring a steady stream of buyers into the marketplace. Colder weather tends to bring out the more serious buyers and investors who want to take advantage of tax benefits prior to year-end."

Below are two charts showing statistics for Maine and its 16 counties. The first chart lists statistics for the month of September only, statewide. The second chart compares the number of existing, single-family homes sold (units) and volume (MSP) during the rolling quarter of July, August and September of 2015 and 2016.

*(CONTINUED)*



## SEPTEMBER ONLY CHART

September 1-30, 2015 – September 1-30, 2016

County	NUMBER OF UNITS SOLD			MEDIAN SALE PRICE		
	2015	2016	%Change	2015	2016	%Change
<b>STATEWIDE</b>	<b>1632</b>	<b>1732</b>	<b>6.13%</b>	<b>\$185,450</b>	<b>\$188,038</b>	<b>1.40%</b>

## ROLLING QUARTER CHART

From July 1, 2015 – September 30, 2015 and  
July 1, 2016 – September 30, 2016

County	NUMBER OF UNITS SOLD			MEDIAN SALE PRICE		
	2015	2016	%Change	2015	2016	%Change
<b>STATEWIDE</b>	<b>5042</b>	<b>5282</b>	<b>4.76%</b>	<b>\$187,500</b>	<b>\$195,000</b>	<b>4.00%</b>
Androscoggin	290	309	6.55%	\$139,750	\$150,000	7.33%
Aroostook	132	172	30.30%	\$100,000	\$82,250	-17.75%
Cumberland	1395	1249	-10.47%	\$256,800	\$275,000	7.09%
Franklin	97	141	45.36%	\$136,000	\$128,000	-5.88%
Hancock	193	231	19.69%	\$198,250	\$195,000	-1.64%
Kennebec	440	444	0.91%	\$145,000	\$152,250	5.00%
Knox	177	193	9.04%	\$185,000	\$190,750	3.11%
Lincoln	164	177	7.93%	\$202,250	\$225,000	11.25%
Oxford	194	246	26.80%	\$138,750	\$146,250	5.41%
Penobscot	443	495	11.74%	\$138,000	\$141,000	2.17%
Piscataquis	86	88	2.33%	\$88,000	\$89,950	2.22%
Sagadahoc	140	154	10.00%	\$196,500	\$217,500	10.69%
Somerset	162	164	1.23%	\$109,250	\$112,000	2.52%
Waldo	167	159	-4.79%	\$145,000	\$165,000	13.79%
Washington	97	111	14.43%	\$80,000	\$100,000	25.00%
York	865	949	9.71%	\$230,000	\$247,000	7.39%

Source: Maine Real Estate Information System, Inc. (d/b/a Maine Listings). Note: Maine Listings, a subsidiary of the Maine Association of REALTORS, is a statewide Multiple Listing Service with over 4,300 licensees inputting active and sold property listing data. Statistics reflect properties reported as sold in the system within the time periods indicated. Contacts: Maine Association of REALTORS President Ed Gardner (Ocean Gate Realty, LLC) – 773-1919 – [ed@oceangaterealty.com](mailto:ed@oceangaterealty.com) - Maine Association of REALTORS President-Elect Greg Gosselin (Gosselin Realty Group) – 363-2414 – [greg@greggosselin.com](mailto:greg@greggosselin.com) For more names: [suzanne@mainerealtors.com](mailto:suzanne@mainerealtors.com)

# # #

Encl 3-7

# FEDERAL HOUSING FINANCE AGENCY



## NEWS RELEASE

For Immediate Release  
August 24, 2016

**Contact:** Corinne Russell (202) 649-3032  
Stefanie Johnson (202) 649-3030

### **U.S. House Prices Rise 1.2 Percent in Second Quarter; Some Signs of Deceleration**

**Washington, D.C.** – U.S. house prices rose **1.2 percent** in the second quarter of 2016 according to the Federal Housing Finance Agency (FHFA) House Price Index (HPI). House prices rose **5.6 percent** from the second quarter of 2015 to the second quarter of 2016. FHFA's seasonally adjusted monthly index for June was up **0.2 percent** from May. The HPI is calculated using home sales price information from mortgages sold to, or guaranteed by, Fannie Mae and Freddie Mac. FHFA has produced a [video of highlights](#) for this quarter.

"Although the appreciation rate for the second quarter was of similar magnitude to what we've been seeing for several years now, a close look at the month-over-month price changes during the quarter reveals a potentially significant market shift," said FHFA Supervisory Economist Andrew Leventis. "Our monthly price index indicates that in each of the three months of the quarter, the increase was only 0.2 percent. This is a much more modest pace of appreciation than we've seen in some time and most likely reflects accumulated pressures from significantly reduced home affordability," Leventis said.

While the HPI rose 5.6 percent from the second quarter of 2015 to the second quarter of 2016, prices of other goods and services were nearly unchanged. The inflation-adjusted price of homes rose approximately 5.7 percent over the last year.

#### **Significant Findings**

- Home prices rose in every state except Vermont between the second quarter of 2015 and the second quarter of 2016. The top five states in annual appreciation were: 1) Oregon 11.7 percent; 2) Washington 10.3 percent; 3) Colorado 10.2 percent; 4) Florida 10.0 percent; and 5) Nevada 9.6 percent.
- Among the 100 most populated metropolitan areas in the U.S., annual price increases were greatest in North Port-Sarasota-Bradenton, FL, where prices increased by 15.7 percent. Prices were weakest in Bridgeport-Stamford-Norwalk, CT, where they fell 3.3 percent.
- Of the nine census divisions, the Mountain division experienced the strongest increase in the second quarter, posting a 1.9 percent quarterly increase and an 8.1 percent increase since the second quarter of last year. House price appreciation was weakest in the Middle Atlantic division, where prices rose 0.6 percent from the last quarter.

Tables and graphs showing home price statistics for metropolitan areas, states, census divisions, and the U.S. as a whole are included on the following pages.

## Other Price Indexes

Most statistics in the quarterly house price index report reference price changes computed by FHFA's basic "purchase-only" HPI. In some cases, however, the reported statistics reference alternative price measures. FHFA publishes – and makes available for download – three additional home price indexes beyond the basic "purchase-only" series. Although they use the same general methodology, the three alternatives rely on slightly different datasets as follows:

- **"Distress-Free"** house price indexes. Sales of bank-owned properties and short sales are removed from the purchase-only dataset prior to estimation of the indexes.
- **"Expanded-Data"** house price indexes. Sales price information sourced from county recorder offices and from FHA-backed mortgages are added to the purchase-only data sample. This index is used annually to adjust the maximum conforming loan limits, which constrain the size of loans that can be acquired by Fannie Mae and Freddie Mac.
- **"All-Transactions"** house price indexes. Appraisal values from refinance mortgages are added to the purchase-only data sample.

Data constraints preclude the production of all types of indexes for every geographic area, but multiple index types are generally available. For individual states, for instance, three types of indexes are available. The various indexes tend to correlate closely over the long-term, but short-term differences can be significant.

## Background

FHFA's HPI tracks changes in average home prices by analyzing changes in home values for the individual properties. The underlying "repeat-transactions" methodology constructs index estimates by statistically evaluating price appreciation (or depreciation) for homes with multiple values over time. The purchase-only HPI uses sales price information from Fannie Mae- and Freddie Mac-purchased and Enterprise-guaranteed mortgages originated over the past 41 years. The purchase-only HPI is estimated with over seven million repeat-transactions.

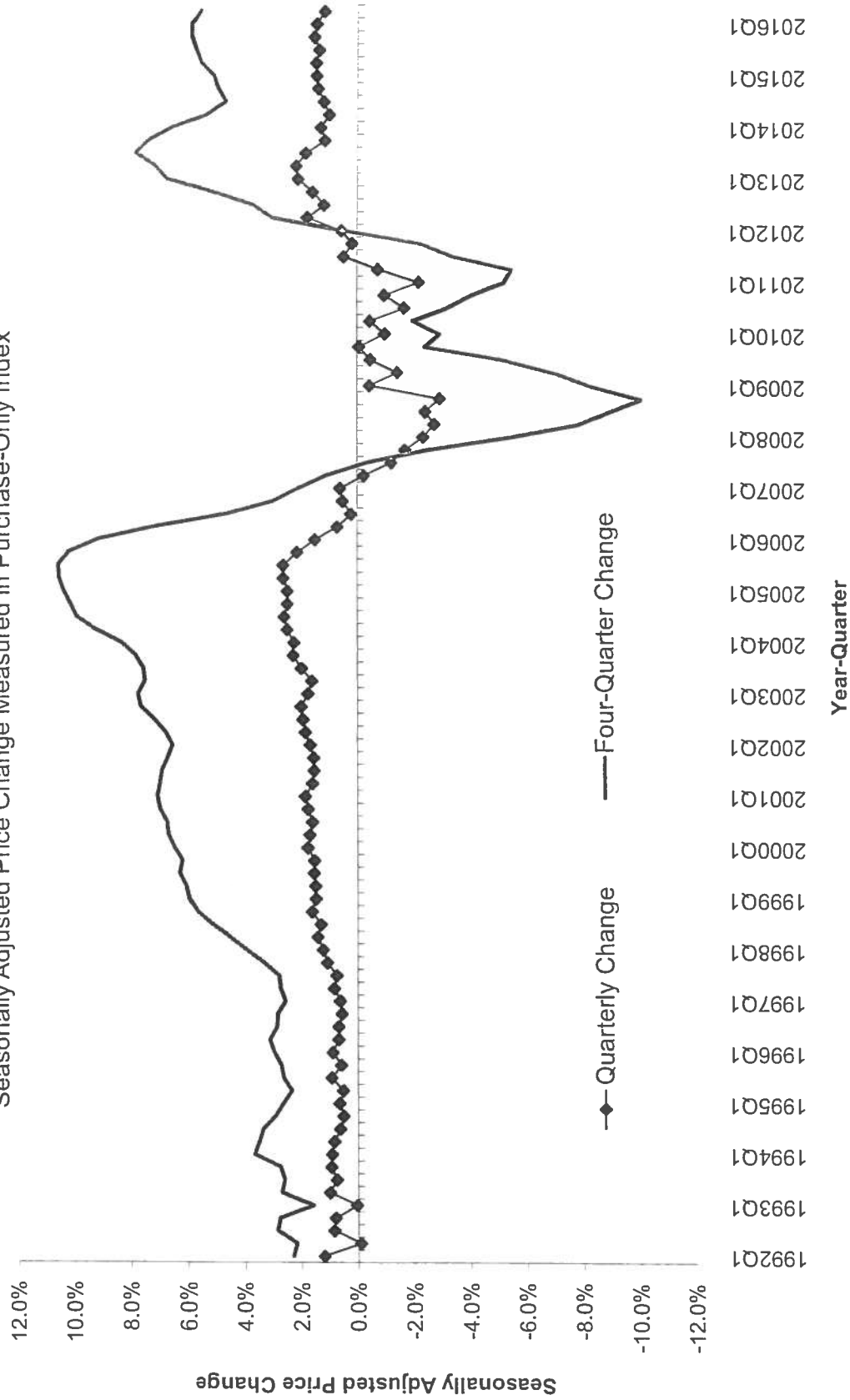
## Note

- The next monthly HPI report (including data through July 2016) will be released September 22, 2016.
- The next quarterly HPI report (including data for the third quarter of 2016) will be released November 23, 2016.
- Future HPI release dates for 2016 and 2017 are available at <http://www.fhfa.gov/hpi>.
- Follow @FHFA on Twitter and YouTube for more HPI news.

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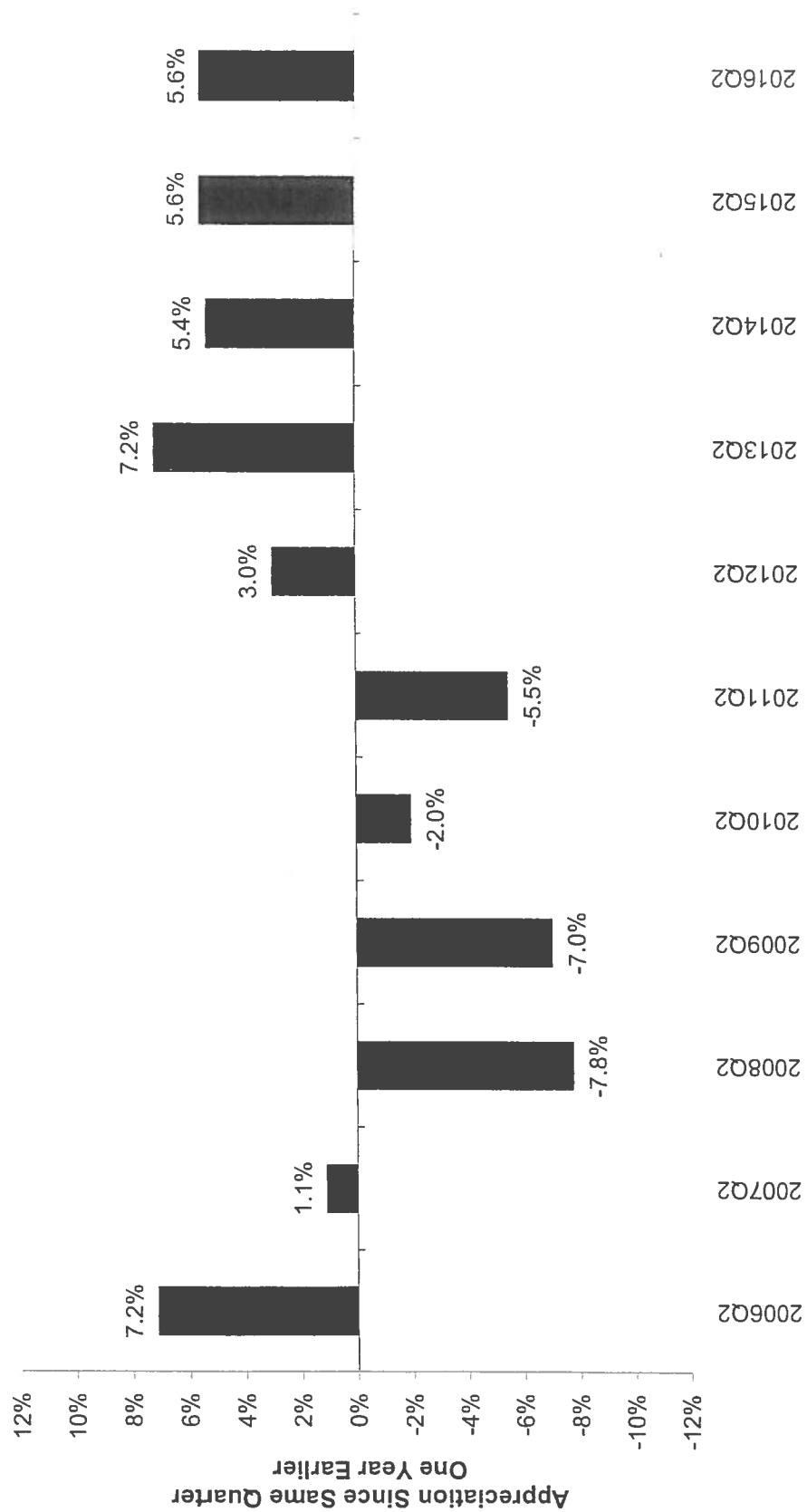
*The Federal Housing Finance Agency regulates Fannie Mae, Freddie Mac and the 11 Federal Home Loan Banks. These government-sponsored enterprises provide more than \$5.8 trillion in funding for the U.S. mortgage markets and financial institutions.*

**FHFA House Price Index History for U.S.**  
 Seasonally Adjusted Price Change Measured in Purchase-Only Index



Source: FHFA

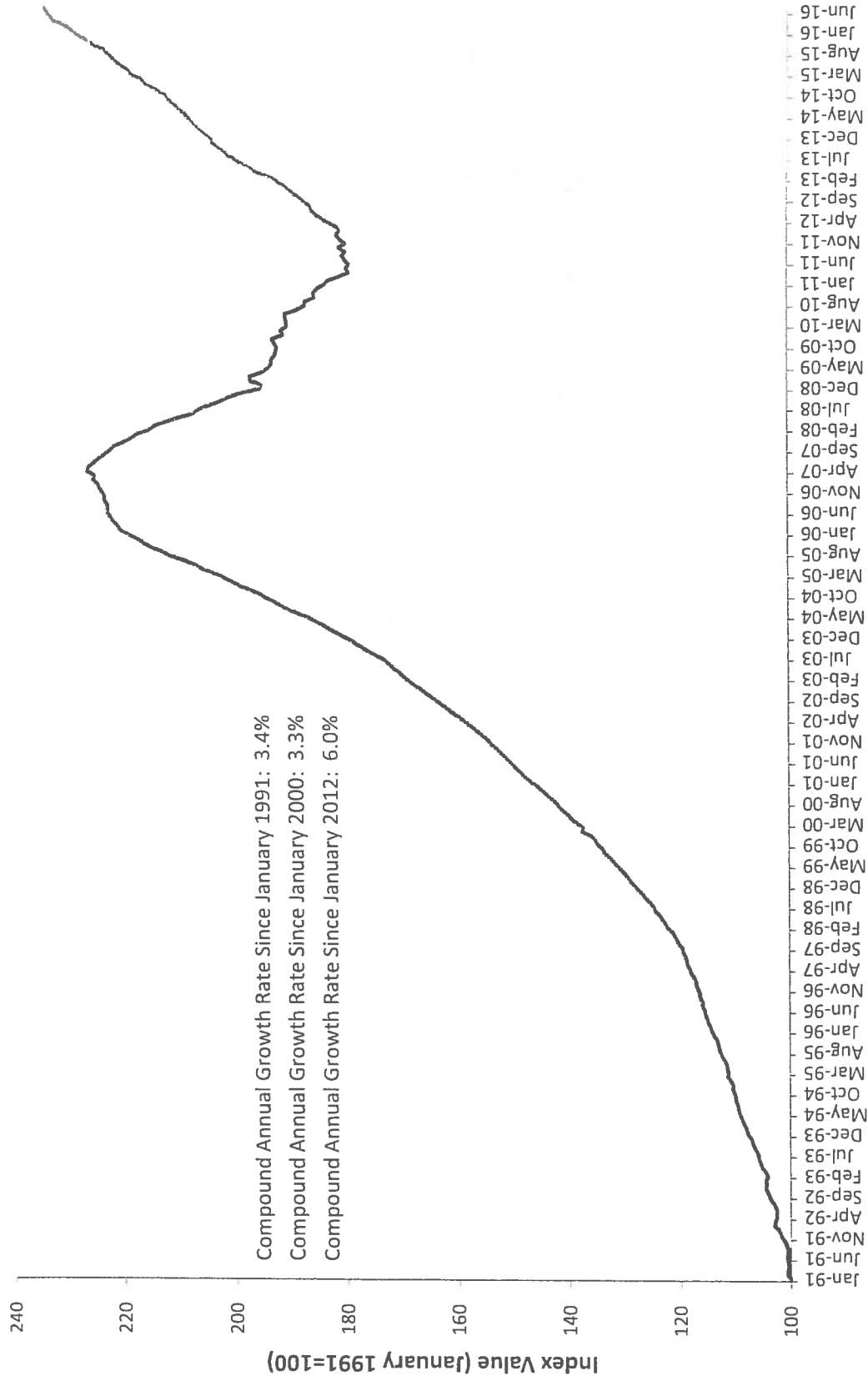
House Price Appreciation Over Previous Four Quarters for U.S.  
Seasonally Adjusted, Purchase-Only Index



Source: FHFA

# Monthly House Price Index for U.S.

Purchase-Only, Seasonally Adjusted Index, January 1991 - Present

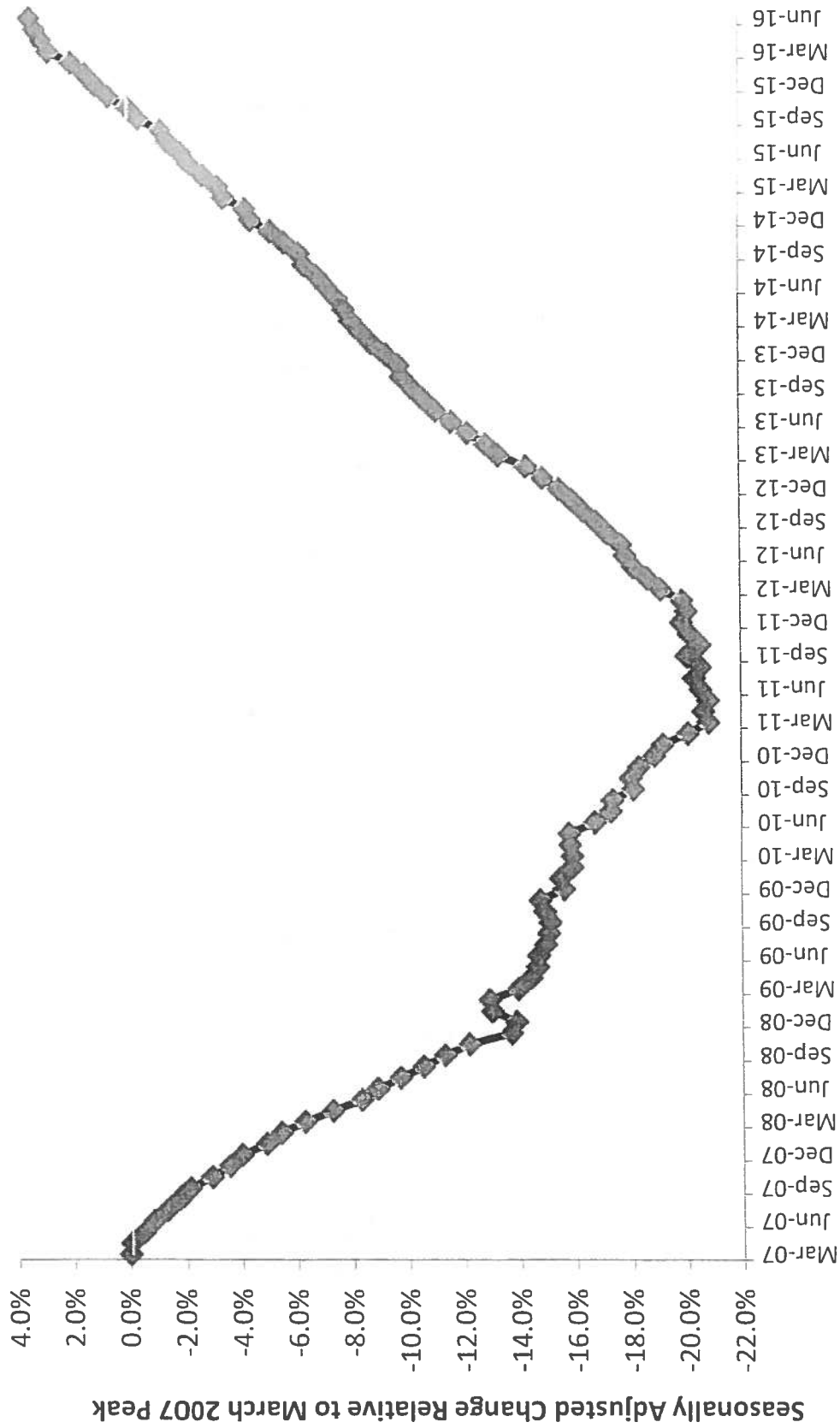


Compound Annual Growth Rate Since January 1991: 3.4%  
 Compound Annual Growth Rate Since January 2000: 3.3%  
 Compound Annual Growth Rate Since January 2012: 6.0%

Source: FHFA

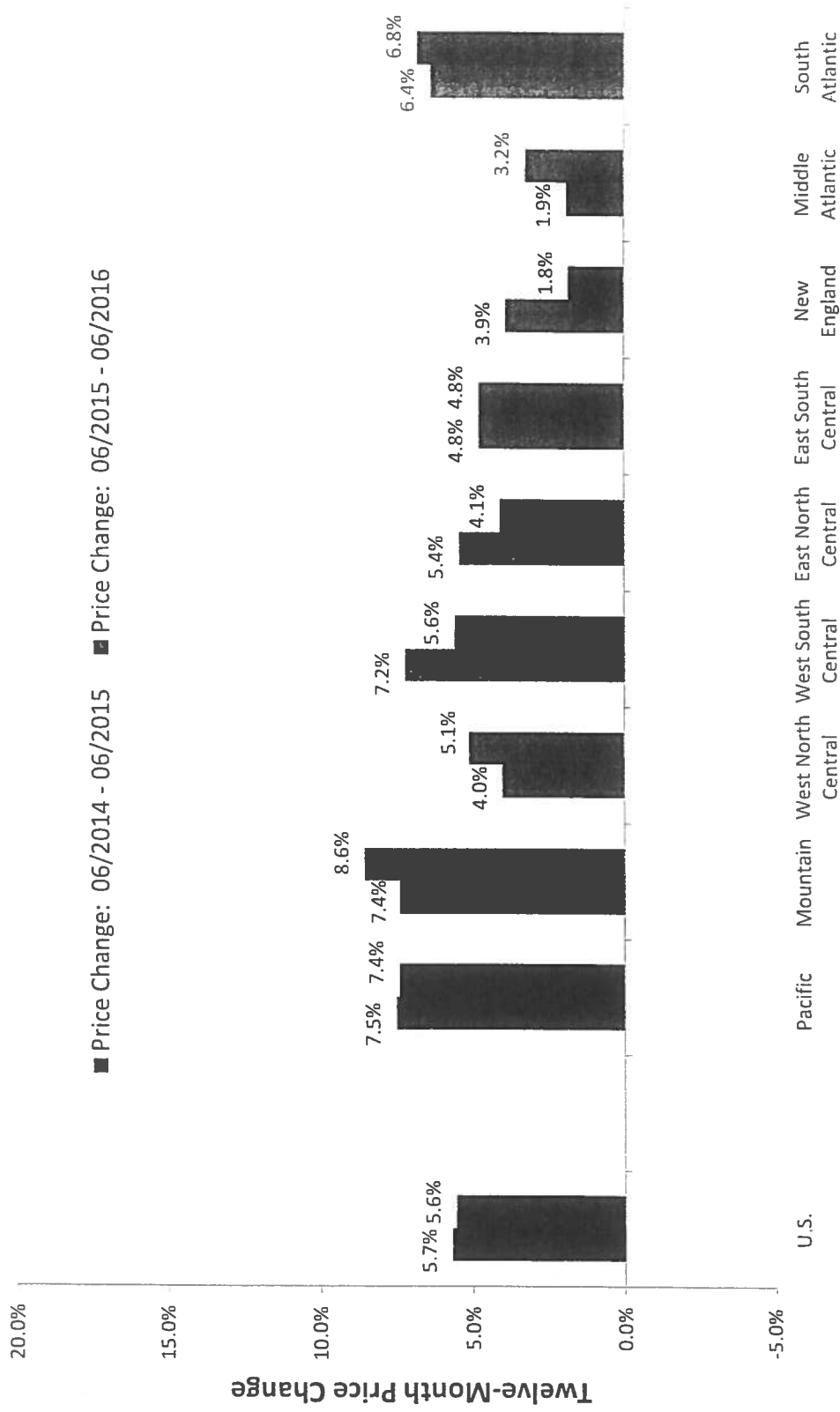
# Cumulative Seasonally Adjusted Price Change Relative to the March 2007 Peak for the U.S.

Purchase-Only, Seasonally Adjusted Index



Source: FHFA

# Twelve-Month Price Changes – Prior Year vs. Most Recent Year Purchase-Only Index



Source: FHFA



**U.S. Census Divisions**  
**Percent Change in House Prices**  
Seasonally Adjusted, Purchase-Only HPI

*Period ended June 30, 2016*

Division	Division Ranking*	1-Yr	Qtr	5-Yr	Since 1991Q1
<b>USA</b>		<b>5.61%</b>	<b>1.17%</b>	<b>29.75%</b>	<b>130.98%</b>
Mountain	1	8.11%	1.94%	50.44%	197.20%
Pacific	2	8.01%	1.55%	53.72%	161.73%
South Atlantic	3	6.57%	1.28%	34.03%	132.35%
West South Central	4	5.69%	1.34%	30.05%	147.77%
West North Central	5	4.87%	0.92%	22.73%	131.86%
East North Central	6	4.48%	0.83%	22.88%	92.64%
East South Central	7	4.43%	1.04%	20.37%	111.76%
Middle Atlantic	8	3.01%	0.65%	10.02%	115.46%
New England	9	2.95%	0.87%	12.84%	118.07%

Source: FHFA

\*Rankings based on annual percentage change.

# State Statistics

# House Price Appreciation by State

## Percent Change in House Prices

Seasonally Adjusted, Purchase-Only HPI

*Period ended June 30, 2016*

State	Rank*	1-Yr	Qtr	5-Yr	Since 1991Q1
Oregon (OR)	1	11.68%	2.65%	51.11%	267.81%
Washington (WA)	2	10.35%	2.16%	41.58%	195.41%
Colorado (CO)	3	10.21%	2.22%	52.84%	286.09%
Florida (FL)	4	9.95%	1.61%	56.12%	159.13%
Nevada (NV)	5	9.65%	2.15%	79.14%	105.79%
Utah (UT)	6	8.81%	2.13%	42.94%	237.41%
Arizona (AZ)	7	8.34%	1.86%	66.68%	171.58%
Idaho (ID)	8	7.56%	1.87%	45.35%	160.13%
District of Columbia (DC)	9	7.48%	8.63%	47.46%	402.45%
California (CA)	10	7.21%	1.31%	58.76%	143.44%
Texas (TX)	11	7.05%	1.68%	36.74%	153.86%
Rhode Island (RI)	12	6.96%	3.03%	15.80%	105.05%
Georgia (GA)	13	6.93%	2.09%	41.64%	109.37%
Kansas (KS)	14	6.20%	2.38%	18.73%	120.91%
Montana (MT)	15	6.18%	2.02%	23.97%	254.68%
Tennessee (TN)	16	6.13%	1.60%	28.13%	126.75%
New Hampshire (NH)	17	6.10%	1.92%	18.17%	123.06%
North Carolina (NC)	18	5.80%	1.35%	22.55%	113.86%
<b>USA</b>		<b>5.61%</b>	<b>1.17%</b>	<b>29.75%</b>	<b>130.98%</b>
Michigan (MI)	19	5.32%	0.84%	41.12%	96.16%
Missouri (MO)	20	5.27%	0.35%	21.13%	112.32%
Hawaii (HI)	21	5.13%	0.38%	34.89%	129.99%
Indiana (IN)	22	5.07%	1.87%	18.51%	84.93%
Wisconsin (WI)	23	4.89%	0.77%	16.92%	129.95%
Minnesota (MN)	24	4.78%	0.71%	28.79%	153.06%
South Dakota (SD)	25	4.61%	0.82%	22.37%	164.95%
Kentucky (KY)	26	4.60%	1.27%	17.37%	114.13%
Ohio (OH)	27	4.50%	0.61%	20.94%	78.92%
Massachusetts (MA)	28	4.43%	1.06%	19.89%	153.63%

\*Rankings based on annual percentage change.

# House Price Appreciation by State

## Percent Change in House Prices

Seasonally Adjusted, Purchase-Only HPI

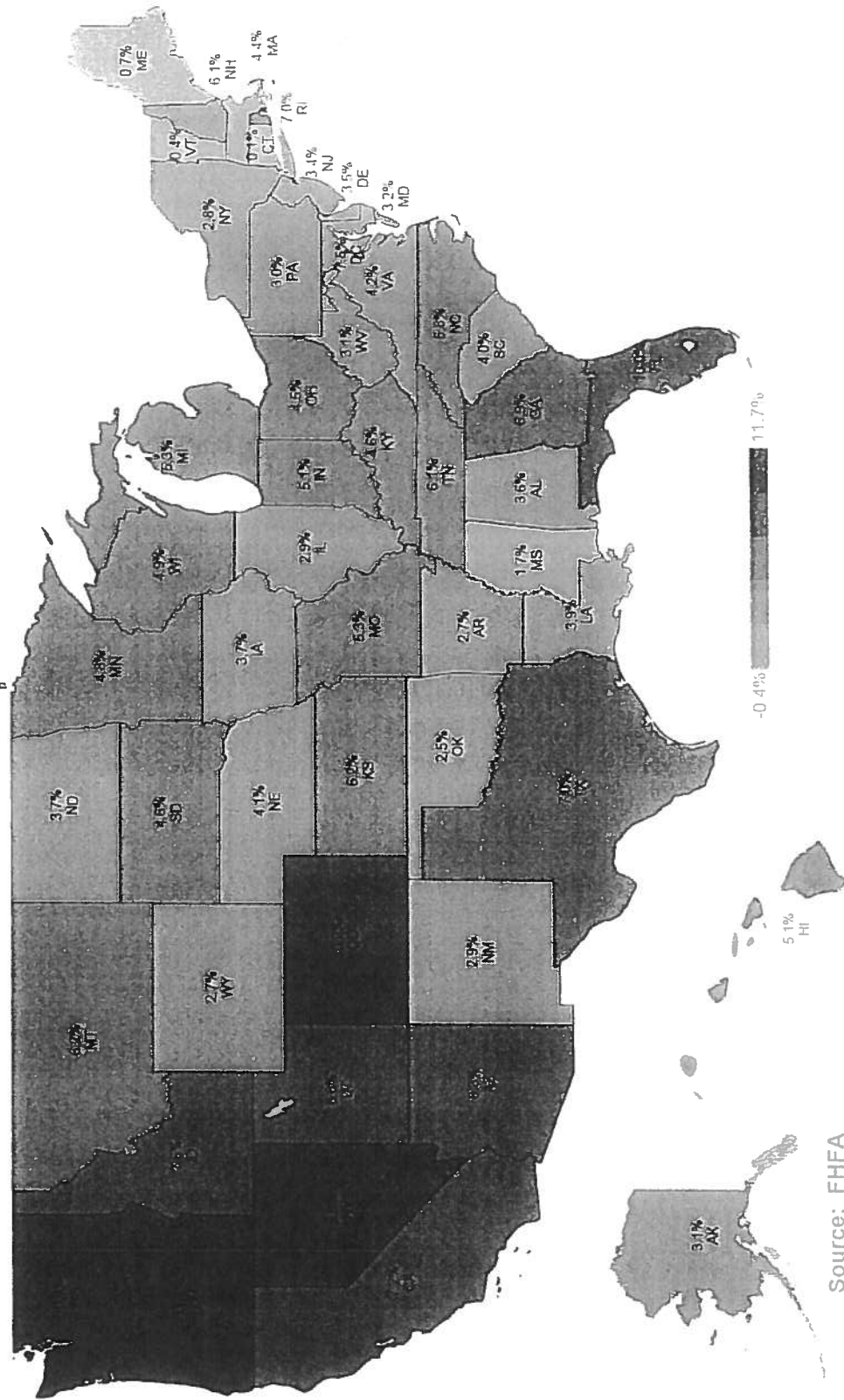
*Period ended June 30, 2016*

State	Rank*	1-Yr	Qtr	5-Yr	Since 1991Q1
Virginia (VA)	29	4.19%	0.53%	17.03%	139.06%
Nebraska (NE)	30	4.11%	1.83%	23.04%	132.26%
South Carolina (SC)	31	4.05%	-1.11%	25.34%	113.85%
Louisiana (LA)	32	3.85%	0.04%	19.26%	165.05%
Iowa (IA)	33	3.74%	0.60%	17.04%	123.70%
North Dakota (ND)	34	3.70%	0.61%	36.60%	210.99%
Alabama (AL)	35	3.65%	1.85%	18.46%	102.78%
Delaware (DE)	36	3.51%	0.87%	13.02%	96.22%
New Jersey (NJ)	37	3.39%	0.93%	7.89%	124.03%
Maryland (MD)	38	3.24%	0.04%	16.59%	133.00%
Alaska (AK)	39	3.10%	0.93%	13.08%	152.72%
West Virginia (WV)	40	3.08%	4.75%	18.52%	115.50%
Pennsylvania (PA)	41	3.01%	0.26%	11.88%	105.40%
Illinois (IL)	42	2.93%	0.41%	13.77%	89.67%
New Mexico (NM)	43	2.92%	1.37%	10.81%	123.03%
New York (NY)	44	2.80%	0.85%	9.49%	119.55%
Arkansas (AR)	45	2.72%	0.21%	15.73%	101.08%
Wyoming (WY)	46	2.71%	0.82%	16.03%	225.88%
Oklahoma (OK)	47	2.48%	1.75%	17.79%	125.16%
Mississippi (MS)	48	1.72%	-1.90%	11.17%	90.58%
→ Maine (ME)	49	0.66%	0.22%	11.85%	120.34% ←
Connecticut (CT)	50	0.14%	-0.27%	0.20%	67.18%
Vermont (VT)	51	-0.39%	1.44%	8.12%	115.82%

\*Rankings based on annual percentage change.

# Four-Quarter Price Change by State: Purchase-Only Index (Seasonally Adjusted)

U.S. Four-Quarter Appreciation = 5.6% (2015Q2-2016Q2)



Source: FHFA

## Rankings by Metropolitan Areas

### Percent Change in House Prices with MSA Rankings

All-transactions HPI which includes purchase and refinance mortgages

*Period ended June 30, 2016*

Metropolitan Statistical Area	National Ranking*	1-Yr	Qtr	5-Yr
Nassau County-Suffolk County, NY (MSAD)	166	3.62%	1.73%	9.87%
New Haven-Milford, CT	250	0.67%	0.43%	0.17%
New Orleans-Metairie, LA	77	6.18%	2.05%	20.36%
New York-Jersey City-White Plains, NY-NJ (MSAD)	162	3.70%	0.80%	10.14%
Newark, NJ-PA (MSAD)	224	1.94%	0.45%	7.28%
Niles-Benton Harbor, MI	111	4.91%	1.87%	13.00%
North Port-Sarasota-Bradenton, FL	8	11.85%	4.06%	57.97%
Norwich-New London, CT	242	1.09%	1.68%	-0.87%
Oakland-Hayward-Berkeley, CA (MSAD)	22	9.98%	2.52%	61.06%
Ocala, FL	115	4.75%	1.83%	21.82%
Ocean City, NJ	234	1.47%	1.19%	2.46%
Ogden-Clearfield, UT	62	7.14%	2.38%	26.54%
Oklahoma City, OK	197	2.76%	0.25%	16.77%
Olympia-Tumwater, WA	66	7.03%	2.22%	13.20%
Omaha-Council Bluffs, NE-IA	146	3.95%	1.32%	14.71%
Orlando-Kissimmee-Sanford, FL	48	7.75%	1.96%	42.18%
Oshkosh-Neenah, WI	209	2.49%	3.35%	6.83%
Oxnard-Thousand Oaks-Ventura, CA	90	5.77%	1.24%	35.93%
Palm Bay-Melbourne-Titusville, FL	2	14.39%	5.41%	51.45%
Pensacola-Ferry Pass-Brent, FL	172	3.29%	1.41%	18.60%
Peoria, IL	218	2.11%	0.94%	5.52%
Philadelphia, PA (MSAD)	170	3.39%	1.84%	11.03%
Phoenix-Mesa-Scottsdale, AZ	41	8.36%	2.34%	65.52%
Pittsburgh, PA	121	4.63%	2.07%	17.11%
Port St. Lucie, FL	5	12.58%	2.50%	50.33%
→ Portland-South Portland, ME ←	169	3.42%	1.06%	12.00%
Portland-Vancouver-Hillsboro, OR-WA	3	13.45%	3.86%	48.35%
Prescott, AZ	45	7.96%	3.50%	45.09%
Providence-Warwick, RI-MA	117	4.71%	1.92%	10.93%
Provo-Orem, UT	51	7.59%	2.31%	36.52%
Pueblo, CO	93	5.65%	1.51%	14.53%

\*Rankings based on annual percentage change for all MSAs containing at least 15,000 transactions over the last 10 years.

**Unranked Metropolitan Areas**  
**Percent Change in House Prices for MSAs and**  
**Divisions Not Ranked in Previous Tables**  
All-transactions HPI which includes purchase and refinance mortgages

*Period ended June 30, 2016*

Metropolitan Statistical Area	1-Yr	5-Yr
Abilene, TX	1.84%	20.41%
Albany, GA	2.70%	-2.38%
Albany, OR	4.84%	24.42%
Alexandria, LA	3.35%	9.26%
Altoona, PA	1.33%	7.12%
Ames, IA	4.90%	20.56%
Anniston-Oxford-Jacksonville, AL	4.15%	3.50%
Auburn-Opelika, AL	2.03%	7.34% ←
→ Bangor, ME	2.19%	3.07%
Battle Creek, MI	2.34%	12.09%
Bay City, MI	0.97%	5.50%
Beaumont-Port Arthur, TX	5.89%	14.62%
Beckley, WV	0.78%	10.84%
Binghamton, NY	1.84%	0.85%
Bloomsburg-Berwick, PA	-3.38%	7.38%
Brownsville-Harlingen, TX	0.45%	2.72%
Brunswick, GA	12.88%	8.66%
Burlington, NC	4.44%	7.25%
California-Lexington Park, MD	3.69%	4.99%
Cape Girardeau, MO-IL	2.65%	10.70%
Carbondale-Marion, IL	-0.01%	3.85%
Carson City, NV	12.58%	57.54%
Casper, WY	-0.94%	18.68%
Chambersburg-Waynesboro, PA	0.63%	0.57%
Charleston, WV	-0.39%	8.06%
Cheyenne, WY	5.30%	19.18%
Clarksville, TN-KY	4.33%	6.01%

**Unranked Metropolitan Areas**  
**Percent Change in House Prices for MSAs and**  
**Divisions Not Ranked in Previous Tables**  
All-transactions HPI which includes purchase and refinance mortgages

*Period ended June 30, 2016*

Metropolitan Statistical Area	1-Yr	5-Yr
Lake Charles, LA	9.41%	23.57%
Laredo, TX	-0.05%	18.38%
Lawton, OK	-5.64%	-3.47%
Lebanon, PA	3.98%	0.51%
Lewiston, ID-WA	3.55%	18.73%
→ Lewiston-Auburn, ME	2.54%	4.74% ←
Longview, TX	-2.15%	9.15%
Longview, WA	9.22%	22.68%
Macon, GA	4.33%	4.64%
Madera, CA	5.80%	42.68%
Manhattan, KS	3.62%	13.99%
Mansfield, OH	3.75%	6.29%
McAllen-Edinburg-Mission, TX	4.07%	14.82%
Michigan City-La Porte, IN	5.07%	11.67%
Midland, MI	2.98%	7.49%
Midland, TX	-1.86%	32.47%
Monroe, LA	1.13%	13.18%
Morgantown, WV	-2.77%	13.06%
Morristown, TN	4.55%	7.30%
Muncie, IN	7.05%	12.90%
Naples-Immokalee-Marco Island, FL	10.09%	61.79%
New Bern, NC	-0.61%	-0.01%
Odessa, TX	2.53%	32.23%
Owensboro, KY	3.21%	14.49%
Panama City, FL	9.13%	20.71%
Parkersburg-Vienna, WV	1.05%	9.40%
Pine Bluff, AR	3.35%	4.43%



# FEDERAL HOUSING FINANCE AGENCY



## NEWS RELEASE

For Immediate Release  
September 22, 2016

**Contact:** Stefanie Johnson (202) 649-3030  
Corinne Russell (202) 649-3032

### FHFA House Price Index Up 0.5 Percent in July

**Washington, D.C.** – U.S. house prices rose in July, up **0.5 percent** on a seasonally adjusted basis from the previous month, according to the Federal Housing Finance Agency (FHFA) monthly House Price Index (HPI). The previously reported 0.2 percent increase in June was revised upward to reflect a 0.3 percent increase.

The FHFA monthly HPI is calculated using home sales price information from mortgages sold to, or guaranteed by, Fannie Mae and Freddie Mac. From July 2015 to July 2016, house prices were up **5.8 percent**.

For the nine census divisions, seasonally adjusted monthly price changes from June 2016 to July 2016 ranged from **+0.2 percent** in the Middle Atlantic division to **+1.0 percent** in the East South Central division. The 12-month changes were also all positive, ranging from **+2.6 percent** in the Middle Atlantic division to **+7.7 percent** in the Pacific division.

Monthly index values and appreciation rate estimates for recent periods are provided in the table and graphs on the following pages. Complete historical downloadable data and HPI release dates for 2016 and 2017 are available on the [HPI page](#).

For detailed information on the HPI, see [HPI Frequently Asked Questions \(FAQ\)](#). The next HPI report will be released October 25, 2016 and will include monthly data through August 2016.

###

*The Federal Housing Finance Agency regulates Fannie Mae, Freddie Mac and the 11 Federal Home Loan Banks. These government-sponsored enterprises provide more than \$5.8 trillion in funding for the U.S. mortgage markets and financial institutions.*

Ench 5-1

## States in Each Census Division

<b>Pacific:</b>	Hawaii, Alaska, Washington, Oregon, California
<b>Mountain:</b>	Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico
<b>West North Central:</b>	North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kansas, Missouri
<b>West South Central:</b>	Oklahoma, Arkansas, Texas, Louisiana
<b>East North Central</b>	Michigan, Wisconsin, Illinois, Indiana, Ohio
<b>East South Central:</b>	Kentucky, Tennessee, Mississippi, Alabama
<b>New England:</b>	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut
<b>Middle Atlantic:</b>	New York, New Jersey, Pennsylvania
<b>South Atlantic:</b>	Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida

# Monthly Price Change Estimates for U.S. and Census Divisions

(Purchase-Only Index, Seasonally Adjusted)

	U.S.	Pacific	Mountain	West North Central	West South Central	East North Central	East South Central	New England	Middle Atlantic	South Atlantic
<b>Jun 16 - Jul 16</b>	<b>0.5%</b>	<b>0.6%</b>	<b>0.5%</b>	<b>0.9%</b>	<b>0.6%</b>	<b>0.3%</b>	<b>1.0%</b>	<b>0.3%</b>	<b>0.2%</b>	<b>0.3%</b>
May 16 - Jun 16 (Previous Estimate)	0.3%	-0.3%	0.5%	0.3%	0.4%	0.4%	-0.3%	0.1%	0.2%	0.7%
Apr 16 - May 16 (Previous Estimate)	0.2%	-0.4%	0.6%	0.0%	0.3%	0.3%	-0.2%	-0.2%	-0.1%	0.7%
Mar 16 - Apr 16 (Previous Estimate)	0.3%	-0.1%	0.8%	-0.1%	0.6%	0.0%	0.8%	-1.4%	1.0%	0.3%
Feb 16 - Mar 16 (Previous Estimate)	0.2%	-0.1%	0.8%	-0.1%	0.5%	0.0%	0.8%	-1.4%	0.9%	0.2%
Jan 16 - Feb 16 (Previous Estimate)	0.2%	0.5%	-0.2%	0.7%	0.0%	-0.1%	0.4%	2.1%	-0.4%	0.2%
	0.2%	0.5%	-0.3%	0.8%	0.1%	-0.1%	0.3%	2.2%	-0.3%	0.2%
	0.8%	1.0%	2.2%	0.5%	1.1%	0.8%	0.2%	-0.2%	-0.1%	1.0%
	0.8%	1.0%	2.3%	0.4%	1.1%	0.8%	0.2%	-0.3%	-0.1%	1.1%
	0.5%	1.3%	0.5%	-0.3%	0.9%	0.4%	0.0%	0.0%	1.5%	-0.1%
	0.5%	1.4%	0.6%	-0.3%	0.9%	0.3%	0.1%	0.0%	1.5%	-0.1%

## 12-Month Change:

Jul 15 - Jul 16	5.8%	7.7%	7.3%	6.0%	5.9%	4.9%	5.4%	3.4%	2.6%	7.0%
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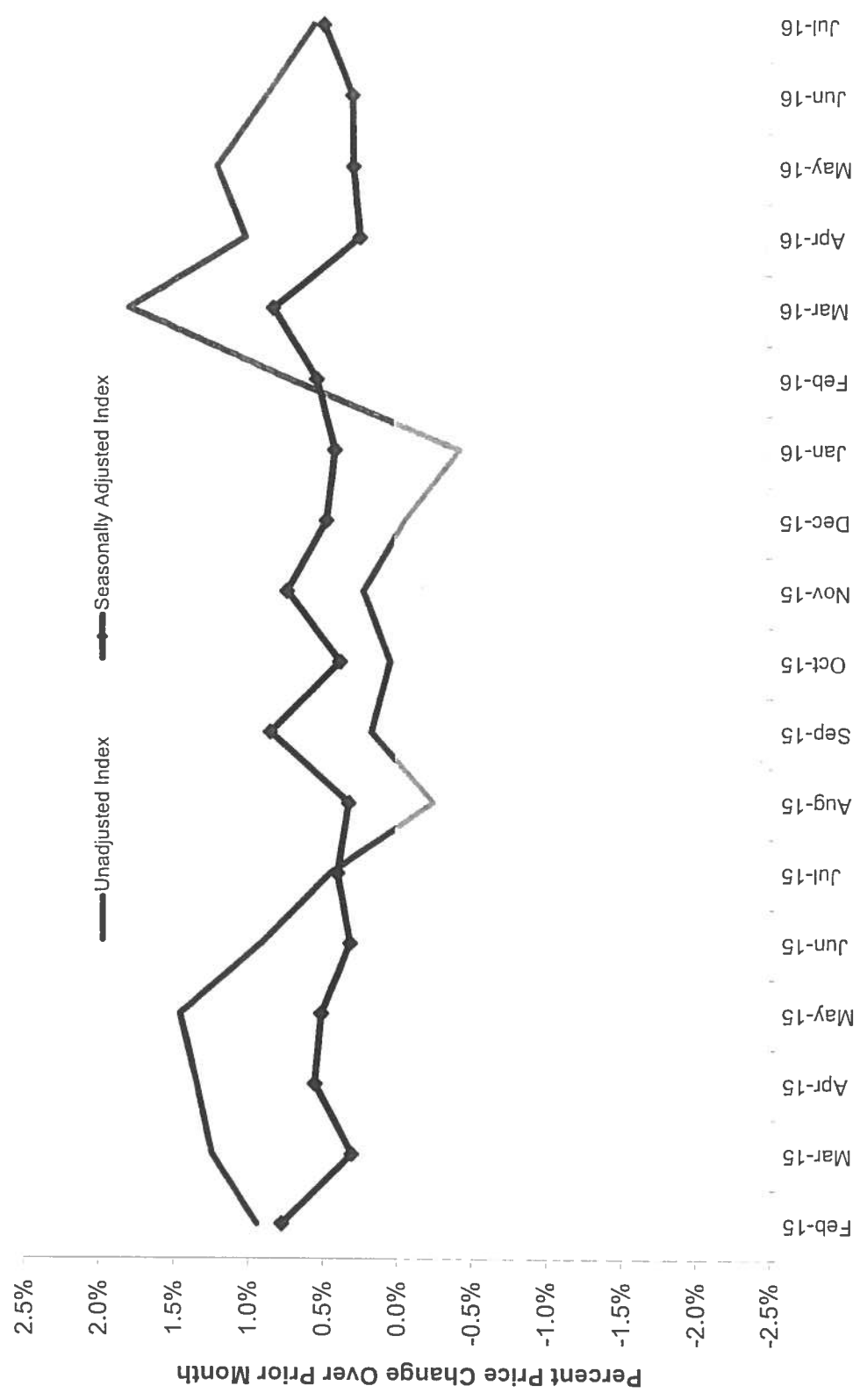
# Monthly Index Values for Latest 18 Months: U.S. and Census Divisions

(Purchase-Only Index, Seasonally Adjusted, January 1991 = 100)

	U.S.	Pacific	Mountain	West North Central	West South Central	East North Central	East South Central	New England	Middle Atlantic	South Atlantic
July-16	236.1	265.7	304.7	238.2	252.6	196.5	218.4	226.2	217.1	238.6
June-16	235.0	264.0	303.1	235.9	251.2	195.9	216.3	225.6	216.8	237.9
May-16	234.3	264.8	301.7	235.3	250.2	195.1	216.9	225.4	216.4	236.1
April-16	233.7	265.0	299.3	235.5	248.7	195.1	215.1	228.5	214.3	235.5
March-16	233.2	263.6	300.0	233.8	248.6	195.3	214.4	223.9	215.1	235.0
February-16	231.3	260.9	293.5	232.7	246.0	193.7	213.9	224.3	215.3	232.7
January-16	230.1	257.5	292.0	233.4	243.8	192.9	213.9	224.2	212.1	232.9
December-15	229.2	257.5	289.5	231.1	243.9	191.8	213.8	223.5	213.6	230.3
November-15	228.1	256.1	293.8	230.3	243.0	190.3	210.8	221.0	212.5	229.4
October-15	226.5	251.8	287.6	228.5	242.5	190.1	209.6	220.7	212.0	227.6
September-15	225.7	251.3	286.2	227.5	241.6	189.1	208.8	221.6	212.6	226.0
August-15	223.8	247.3	283.9	227.5	239.7	186.6	207.8	219.0	211.5	224.9
July-15	223.1	246.6	283.9	224.7	238.6	187.4	207.3	218.8	211.7	222.9
June-15	222.2	245.5	279.0	223.9	237.4	187.7	206.8	221.0	209.3	222.4
May-15	221.6	244.7	279.1	224.2	237.0	187.0	206.4	217.0	208.8	221.8
April-15	220.5	243.1	277.2	223.7	234.2	185.1	208.1	217.5	209.7	220.3
March-15	219.3	241.2	275.6	221.2	232.3	185.7	205.4	217.2	209.3	218.8
February-15	218.6	240.0	275.5	220.5	232.7	185.0	203.7	217.3	206.7	219.0

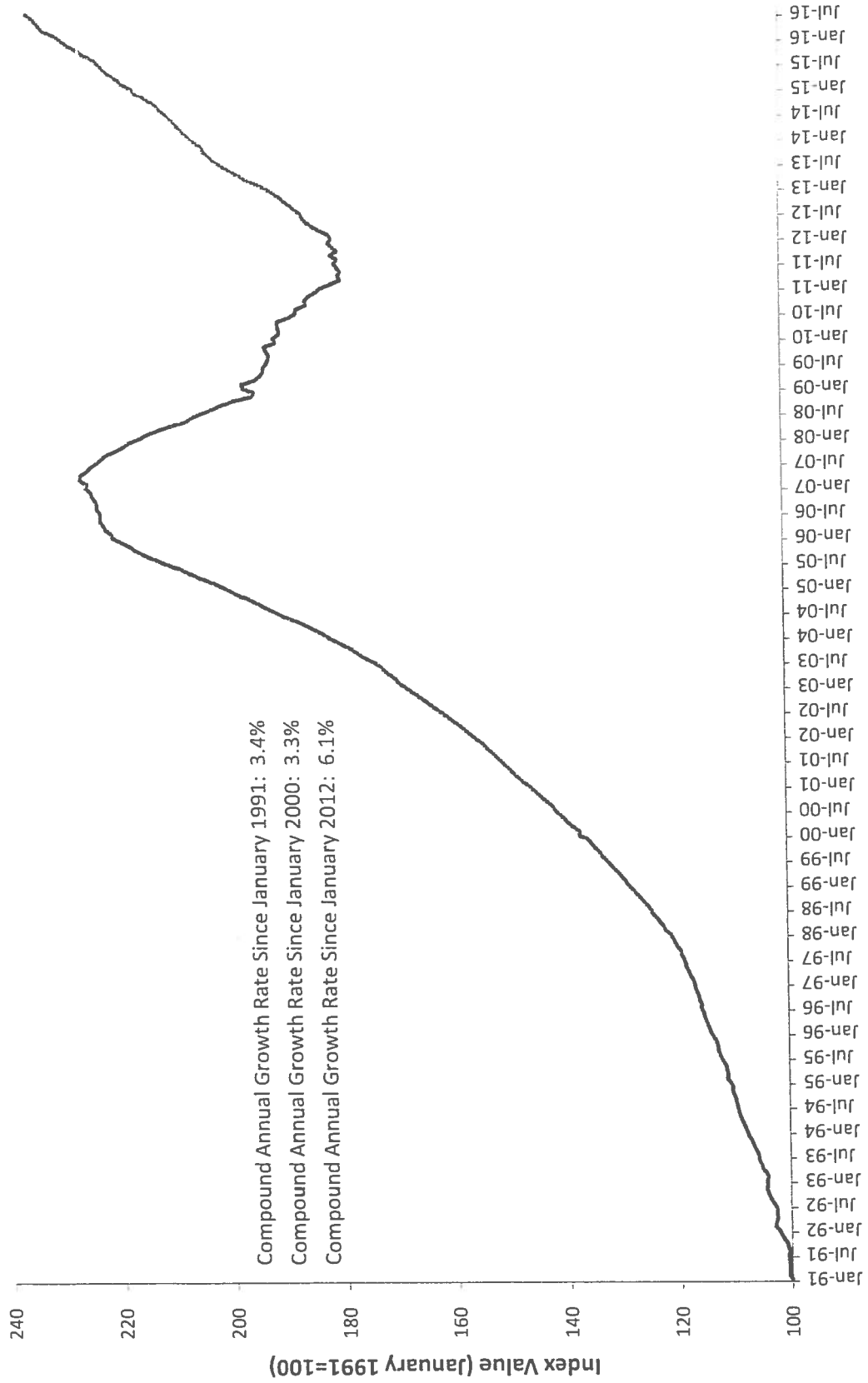
Source: FHFA

Seasonally Adjusted and Unadjusted Monthly Appreciation Rates  
Purchase-Only Index for U.S.



Source: FHFA

# **Monthly House Price Index for U.S.** Purchase-Only, Seasonally Adjusted Index, January 1991 - Present

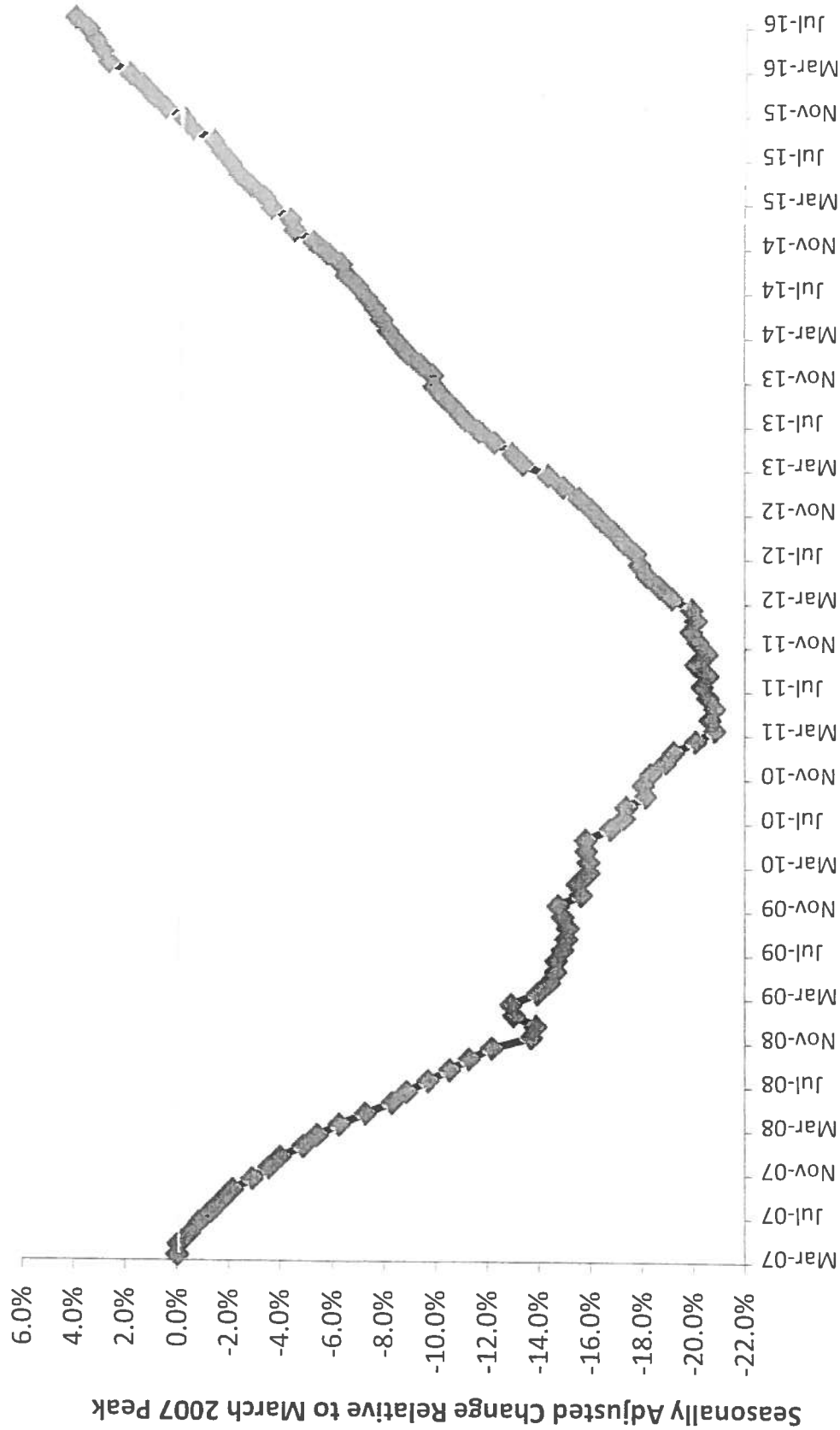


Compound Annual Growth Rate Since January 1991: 3.4%  
 Compound Annual Growth Rate Since January 2000: 3.3%  
 Compound Annual Growth Rate Since January 2012: 6.1%

Source: FHFA

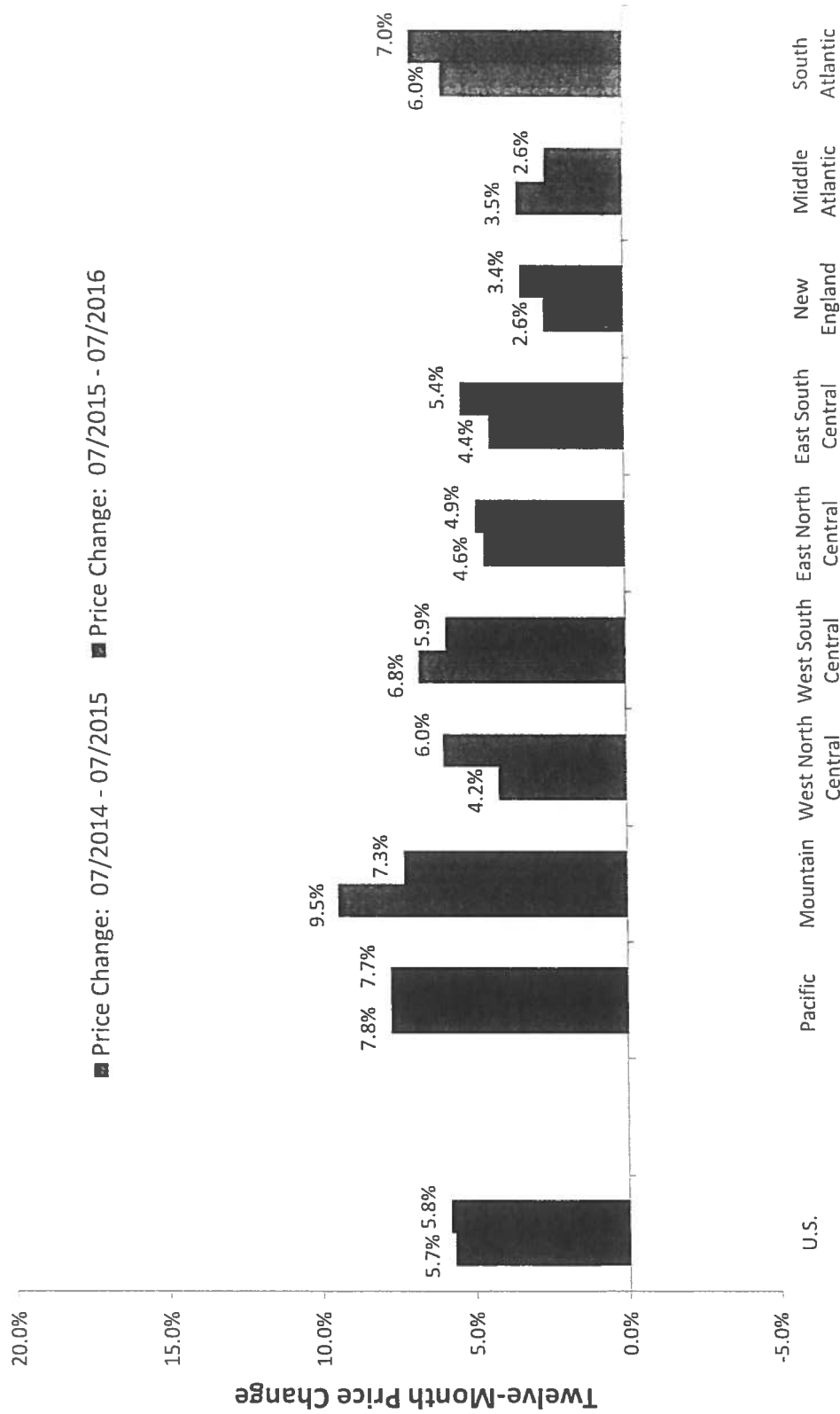
# Cumulative Seasonally Adjusted Price Change Relative to the March 2007 Peak for the U.S.

Purchase-Only, Seasonally Adjusted Index



Source: FHFA

# **Twelve-Month Price Changes – Prior Year vs. Most Recent Year** Purchase-Only Index



Source: FHFA

# FEDERAL HOUSING FINANCE AGENCY



## NEWS RELEASE

For Immediate Release  
October 25, 2016

**Contact:** Stefanie Johnson (202) 649-3030  
Corinne Russell (202) 649-3032

### FHFA House Price Index Up 0.7 Percent in August

**Washington, DC** – U.S. house prices rose in August, up **0.7 percent** on a seasonally adjusted basis from the previous month, according to the Federal Housing Finance Agency (FHFA) monthly House Price Index (HPI). The previously reported 0.5 percent increase in July remained unchanged.

The FHFA monthly HPI is calculated using home sales price information from mortgages sold to, or guaranteed by, Fannie Mae and Freddie Mac. From August 2015 to August 2016, house prices were up **6.4 percent**.

For the nine census divisions, seasonally adjusted monthly price changes from July 2016 to August 2016 ranged from no change in the West North Central division to **+1.2 percent** in the New England division. The 12-month changes were all positive, ranging from **+3.3 percent** in the Middle Atlantic division to **+7.9 percent** in the Pacific division.

Monthly index values and appreciation rate estimates for recent periods are provided in the table and graphs on the following pages. Complete historical downloadable data and HPI release dates for 2016 and 2017 are available on the [HPI page](#).

For detailed information on the HPI, see [HPI Frequently Asked Questions \(FAQ\)](#). The next HPI report will be released November 23, 2016 and will include monthly data through September 2016 and quarterly data for the third quarter of 2016.

###

*The Federal Housing Finance Agency regulates Fannie Mae, Freddie Mac and the 11 Federal Home Loan Banks. These government-sponsored enterprises provide more than \$5.8 trillion in funding for the U.S. mortgage markets and financial institutions.*

Encl 6-1



## States in Each Census Division

<b>Pacific:</b>	Hawaii, Alaska, Washington, Oregon, California
<b>Mountain:</b>	Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico
<b>West North Central:</b>	North Dakota, South Dakota, Minnesota, Nebraska, Iowa, Kansas, Missouri
<b>West South Central:</b>	Oklahoma, Arkansas, Texas, Louisiana
<b>East North Central</b>	Michigan, Wisconsin, Illinois, Indiana, Ohio
<b>East South Central:</b>	Kentucky, Tennessee, Mississippi, Alabama
<b>New England:</b>	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut
<b>Middle Atlantic:</b>	New York, New Jersey, Pennsylvania
<b>South Atlantic:</b>	Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida

# Monthly Price Change Estimates for U.S. and Census Divisions (Purchase-Only Index, Seasonally Adjusted)

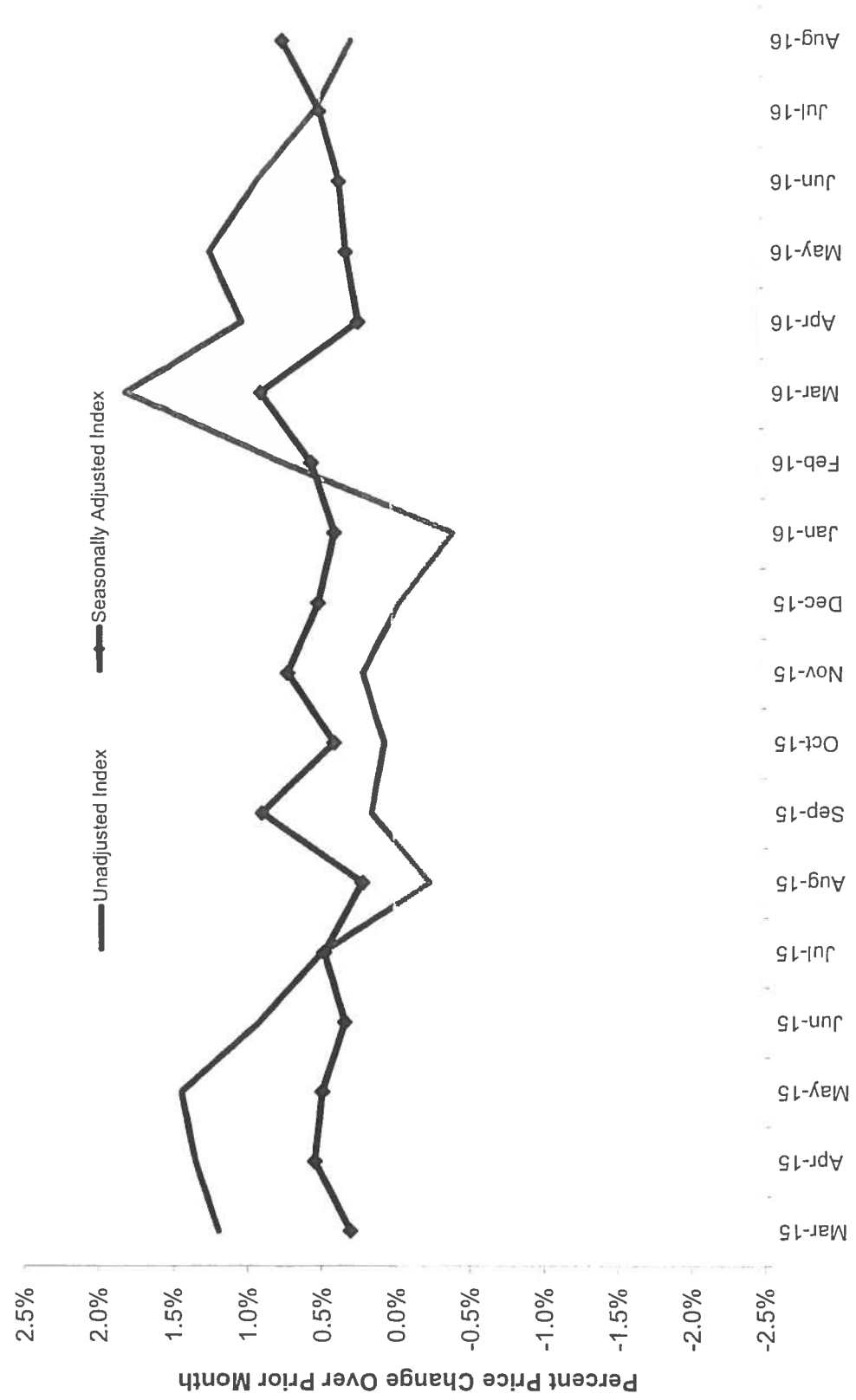
	U.S.	Pacific	Mountain	West North Central	West South Central	East North Central	East South Central	New England	Middle Atlantic	South Atlantic
<b>Jul 16 - Aug 16</b>	<b>0.7%</b>	<b>0.5%</b>	<b>0.4%</b>	<b>0.0%</b>	<b>0.4%</b>	<b>1.1%</b>	<b>0.9%</b>	<b>1.2%</b>	<b>0.4%</b>	<b>1.2%</b>
Jun 16 - Jul 16 (Previous Estimate)	0.5%	0.5%	0.4%	1.1%	0.6%	0.2%	1.1%	0.1%	0.3%	0.3%
May 16 - Jun 16 (Previous Estimate)	0.3%	0.6%	0.5%	0.9%	0.6%	0.3%	1.0%	0.3%	0.2%	0.3%
Apr 16 - May 16 (Previous Estimate)	0.3%	-0.2%	0.4%	0.4%	0.5%	0.5%	-0.3%	0.2%	0.2%	0.8%
Mar 16 - Apr 16 (Previous Estimate)	0.3%	-0.3%	0.5%	0.3%	0.4%	0.4%	-0.3%	0.1%	0.2%	0.7%
Feb 16 - Mar 16 (Previous Estimate)	0.3%	0.0%	0.8%	-0.2%	0.5%	0.1%	0.9%	-1.0%	1.0%	0.2%
	0.3%	-0.1%	0.8%	-0.1%	0.6%	0.0%	0.8%	-1.4%	1.0%	0.3%
	0.2%	0.6%	-0.1%	0.7%	0.1%	-0.1%	0.3%	1.8%	-0.4%	0.1%
	0.2%	0.5%	-0.2%	0.7%	0.0%	-0.1%	0.4%	2.1%	-0.4%	0.2%
	0.9%	1.1%	2.1%	0.4%	1.1%	0.8%	0.2%	-0.1%	0.0%	1.2%
	0.8%	1.0%	2.2%	0.5%	1.1%	0.8%	0.2%	-0.2%	-0.1%	1.0%
<b>12-Month Change:</b>	<b>6.4%</b>	<b>7.9%</b>	<b>7.6%</b>	<b>5.1%</b>	<b>5.9%</b>	<b>6.7%</b>	<b>6.5%</b>	<b>4.6%</b>	<b>3.3%</b>	<b>7.4%</b>
Aug 15 - Aug 16										

## Monthly Index Values for Latest 18 Months: U.S. and Census Divisions (Purchase-Only Index, Seasonally Adjusted, January 1991 = 100)

	U.S.	Pacific	Mountain	West North Central	West South Central	East North Central	East South Central	New England	Middle Atlantic	South Atlantic
August-16	237.9	266.9	305.3	238.6	253.8	198.8	220.8	228.9	218.3	241.2
July-16	236.2	265.7	304.2	238.5	252.8	196.7	218.7	226.3	217.5	238.5
June-16	235.1	264.3	303.0	236.0	251.4	196.2	216.4	226.1	216.8	237.8
May-16	234.3	264.9	301.8	235.1	250.2	195.2	216.9	225.7	216.4	236.0
April-16	233.7	265.0	299.4	235.6	248.9	195.0	215.0	227.9	214.2	235.4
March-16	233.2	263.5	299.8	233.8	248.6	195.2	214.3	224.0	215.0	235.2
February-16	231.2	260.6	293.5	232.8	245.8	193.7	213.9	224.1	215.0	232.5
January-16	230.0	257.3	292.1	233.2	243.9	192.9	213.3	224.3	212.2	232.5
December-15	229.1	257.5	289.6	230.8	243.9	191.6	213.6	223.5	213.4	230.4
November-15	228.0	256.2	293.1	230.0	242.6	190.3	210.5	221.3	212.3	229.3
October-15	226.4	251.7	287.3	228.3	242.4	190.0	209.4	220.9	212.1	227.7
September-15	225.6	251.2	286.0	227.3	241.2	189.0	208.8	221.7	212.5	225.8
August-15	223.6	247.3	283.6	227.1	239.6	186.4	207.3	218.9	211.3	224.7
July-15	223.1	246.6	283.8	224.7	238.5	187.4	207.3	219.0	211.5	223.1
June-15	222.1	245.4	278.7	223.7	237.2	187.5	206.6	221.2	209.2	222.4
May-15	221.4	244.5	278.7	224.1	236.8	186.7	206.1	217.2	208.5	221.6
April-15	220.3	243.0	276.8	223.5	234.1	185.1	207.8	217.4	209.4	220.2
March-15	219.1	241.1	275.5	221.0	232.2	185.5	205.2	217.1	209.1	218.6

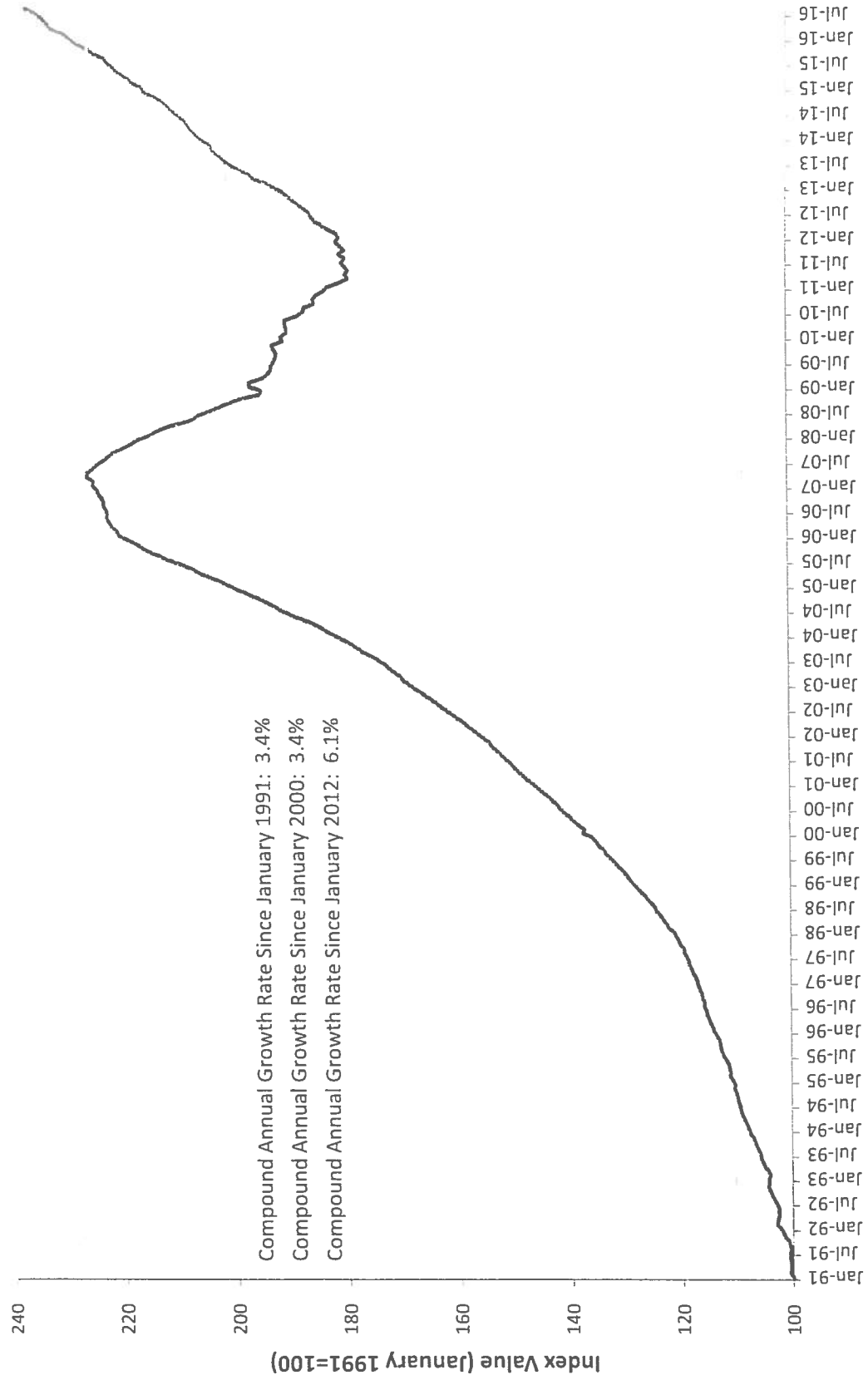
Source: FHFA

Seasonally Adjusted and Unadjusted Monthly Appreciation Rates  
Purchase-Only Index for U.S.



Source: FHFA

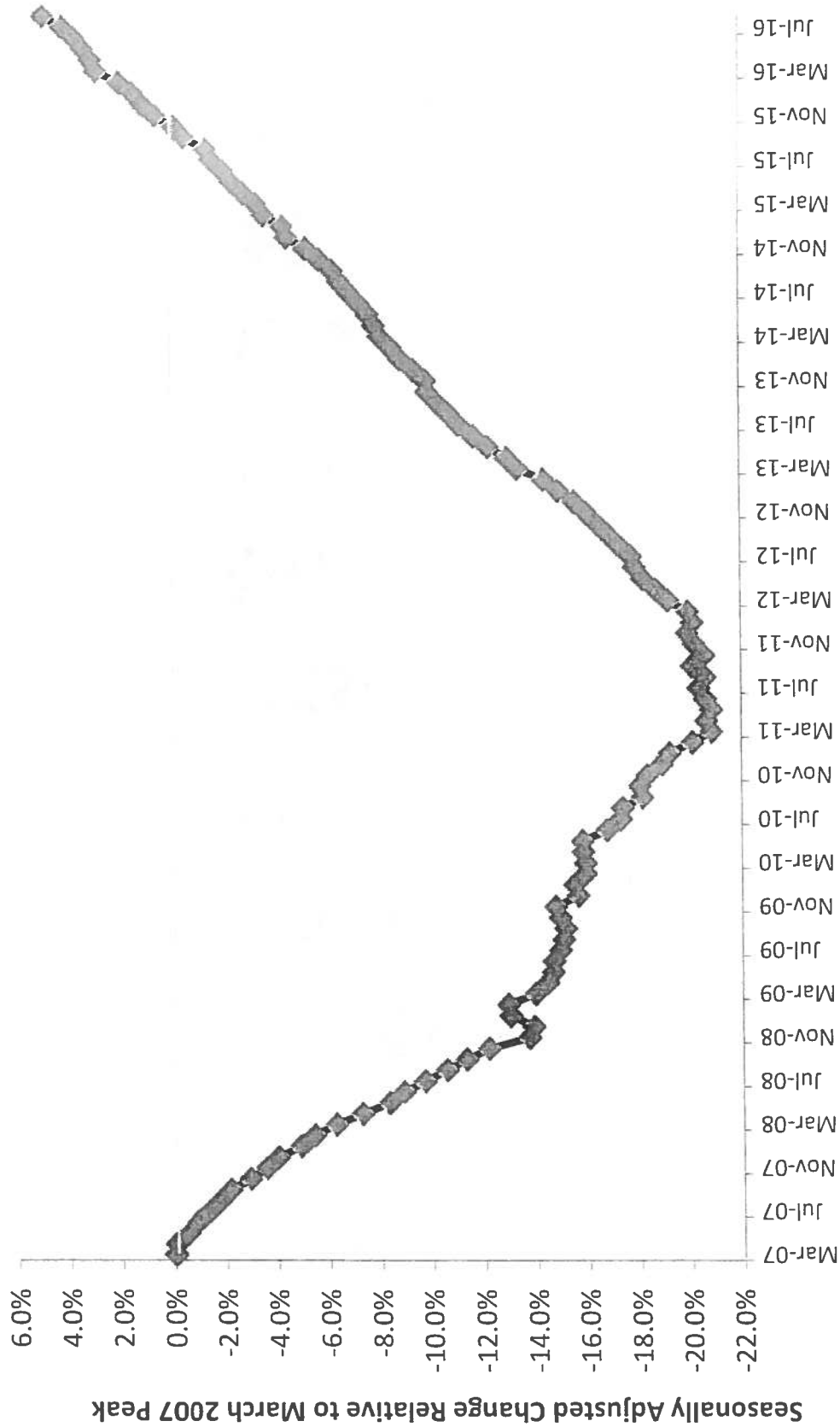
**Monthly House Price Index for U.S.**  
Purchase-Only, Seasonally Adjusted Index, January 1991 - Present



Source: FHFA

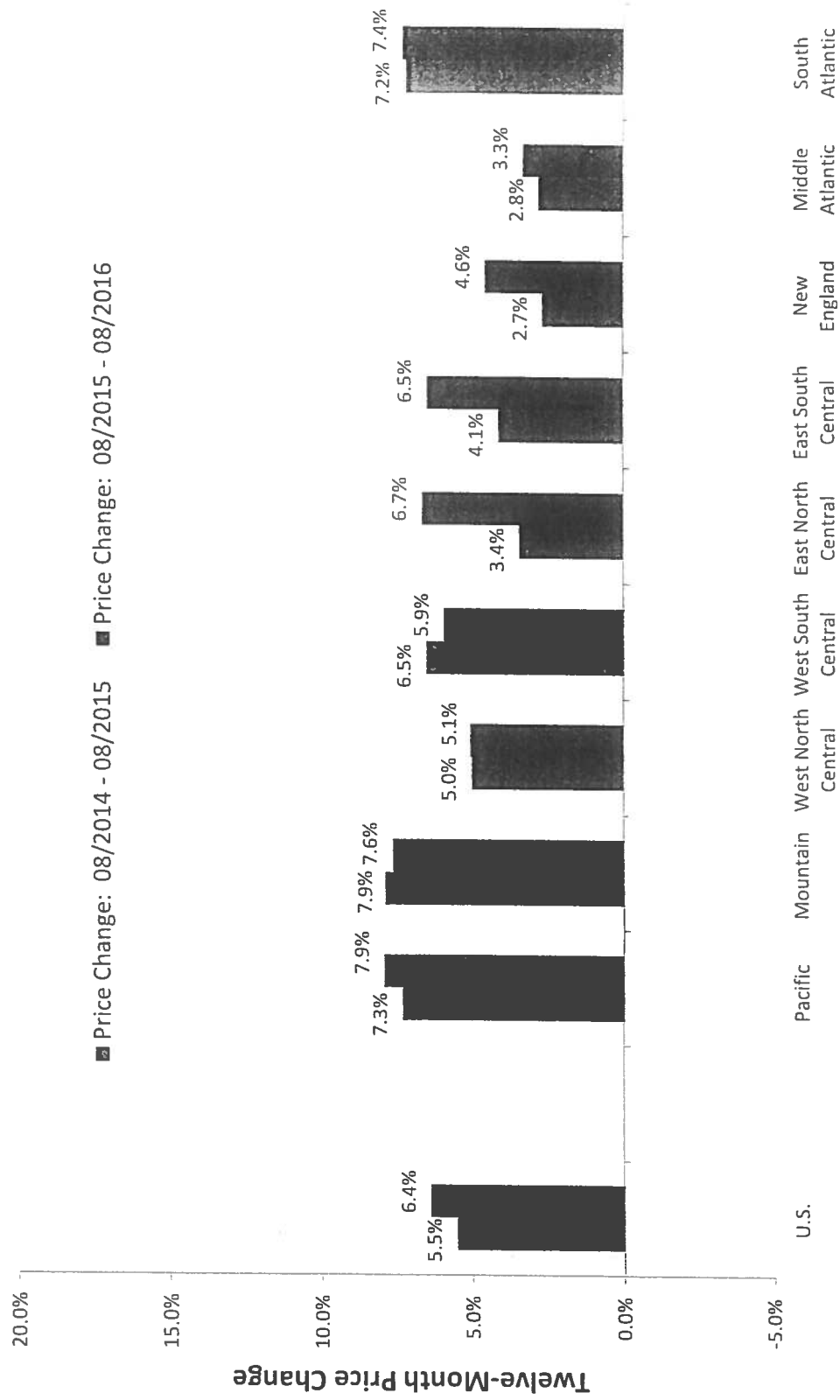
# Cumulative Seasonally Adjusted Price Change Relative to the March 2007 Peak for the U.S.

Purchase-Only, Seasonally Adjusted Index



Source: FHFA

# Twelve-Month Price Changes – Prior Year vs. Most Recent Year Purchase-Only Index



Source: FHFA

*128th Legislature*  
*Senate of*  
*Maine*  
*Senate District 5*

*Senator James Dill*  
*3 State House Station*  
*Augusta, ME 04333-0003*  
*(207) 287-1515*  
*Jamesdill207@gmail.com*

December 13, 2016

Mark Leonard  
Veazie Town Manager  
1084 Main Street  
Veazie, ME 04401

Dear Mark,

Thank you for your service as the Veazie Town Manager. I applaud the work you and your colleagues have done for our community.

As you know through your experience, local government is the most direct connection to the people we represent. This is why I would like to extend to you and the rest of the board an open door as your state senator. I believe with the many challenges facing our community, and our state, it is important that we continue to work together as much as possible for the greater good.

Please know I am available to discuss any issues or opportunities of importance for our region. I ask that you do not hesitate to contact me if I can be of service by reaching out to a state agency, attending a local meeting, or in any other capacity. Additionally, if you have any ideas or suggestions for legislation that may be helpful for Veazie, the deadline for me to submit legislation for the upcoming session is December 30, 2016.

It is an honor to serve as your State Senator. I look forward to working with you, and as the Legislature begins its work for 2017, feel free to contact me anytime.

Best,




Jim Dill  
State Senator





## MEMORANDUM

**FROM:** Gary Stacey, Controller   
**TO:** Municipalities with post-2018 waste agreements  
**DATE:** December 14, 2016  
**SUBJ:** Municipal ownership and buyout information

USA Energy Group, PERC's majority owner and managing general partner, and the Municipal Review Committee (MRC) have withdrawn their respective lawsuits against each other and have agreed to a court-approved settlement that clears the way for PERC and the MRC to go their separate ways in 2018. We want to call your attention to a specific part of the agreement that relates to municipal ownership in the PERC facility.

As you are aware, a number of Maine municipalities that now send their waste to PERC also collectively own 23% of PERC. They are known as Equity Charter municipalities. As part of the settlement, the MRC has agreed, on behalf of its member municipalities, to sell all of the municipal ownership in PERC to PERC's private partners for a total of \$1.5 million dollars.

Equity Charter municipalities that have signed a post-2018 waste disposal agreement with someone other than PERC (such as Fiberight or ecomaine) must accept the terms of the buyout negotiated by the MRC and sell their interest to the private partners.

**As a municipality that has signed a post-2018 waste disposal agreement with PERC, you have other options:**

- If you are an Equity Charter municipality, you may accept the terms of the buyout.
- If you are an Equity Charter municipality and want to continue as a PERC owner, your existing ownership will be maintained once you sign the re-stated partnership agreement that will be sent to you early next year.
- If you are not now an Equity Charter municipality, you will have the opportunity to purchase an ownership interest in PERC in accordance with the new partnership agreement.

We value your support of PERC, and we look forward to working with you for many years to come. If you have questions about the agreement and your ownership in PERC, please contact PERC Controller Gary Stacey at [gstacey@percwte.com](mailto:gstacey@percwte.com) or 825-4566, ext. 117.





# ARE YOU READY?

AN ELECTED OFFICIAL'S GUIDE TO EMERGENCY MANAGEMENT





# Emergency Management: A Vital Government Function

*Emergency management is an essential government service. Its purpose is to apply resources and efforts to mitigate, prevent when possible, protect where feasible, and to respond and recover from all threats and hazards that impact the safety and security of the nation.*

Emergencies and disasters can pose both short and long-term public policy challenges, including continuity of government, public health, economic development, the environment, agriculture, and technology. In addition to natural disasters, emergency management must deal with complex issues like climate adaptation, cybersecurity, countering terrorism, critical infrastructure interdependencies, infectious disease outbreaks, and school safety. While not necessarily the lead agency in every event, emergency management is responsible for coordinating the overall state response. Having an effective emergency management system in place can help minimize the potentially devastating impact from emergencies and disasters.

Government has the responsibility to ensure an effective response and recovery for any event that threatens the residents and communities of a state. The emergency management agency is responsible for:

- ▶ Identifying and assessing potential hazards;
- ▶ Developing emergency operations plans and procedures;
- ▶ Training personnel;
- ▶ Conducting drills and exercises to test plans;
- ▶ Providing situational awareness for informed decision making by leaders;
- ▶ Coordinating response efforts between all public and private entities;
- ▶ Providing critical information to the public;
- ▶ Facilitating mutual aid;
- ▶ Administering disaster assistance programs; and
- ▶ Providing overall coordination for disaster recovery.

## ► Phases of Emergency Management

**1 Preparedness:** Activities undertaken to prepare for disasters and emergencies and facilitate future response and recovery efforts. Includes writing emergency operations plans and procedures, training, exercises, evacuation planning, public education and warning

**2 Mitigation:** Activities undertaken to avoid, eliminate or reduce the probability of occurrence, or to lessen the effects of an emergency/disaster. It involves actions to protect lives and property and to defend against attacks.

**3 Response:** Activities undertaken in the immediate aftermath of a disaster that help to reduce casualties and damage, and that expedite recovery. Response activities include warning, evacuation, rescue and other similar operations.

**4 Recovery:** Reconstruction, repair and rebuilding activities intended to restore a community. In addition to permanent repairs to bridges, roads and buildings, these activities include helping victims return to permanent housing, community redevelopment activities, and long-term redevelopment planning.

# Leadership During Crisis: The Role of Elected Officials

*Emergency management, from mitigation through long-term recovery, must be recognized and supported by all elected officials as a critical government service.*

In turn, elected officials should hold emergency management agencies accountable and expect them to demonstrate capability that's been developed through the investment of public funds.

Elected officials must understand their emergency authorities and responsibilities, and practice them in conjunction with emergency management officials before a disaster occurs. They should know their state emergency management director and establish a strong relationship, request a briefing on state and local preparedness efforts, learn about emergency plans and procedures, and visit the emergency operations center and other critical facilities.

It is vital for government to be able to promptly and accurately inform the public about the seriousness of an event and provide assurance that leaders are fully informed and directing the response with every available resource. For public officials to be effective leaders during times of crisis, they must have a clear understanding of how government responds to emergencies and disasters, what resources are available, what types of assistance can be provided to citizens, and how much time it may take to deliver that assistance. They must be able to instill a sense of calm and temper expectations of what government can do to aid in the recovery. Public officials must deliver a coordinated message with emergency management so that citizens don't receive conflicting information.

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They must be able to instill a sense of calm and temper expectations of what government can do to aid in the recovery.

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Policymakers have a responsibility to reach decisions that keep their constituents and communities safe even when those decisions may be unpopular. Mitigation should be encouraged before the disaster occurs to strengthen and protect critical infrastructure, provide incentives for communities for the adoption and enforcement of effective building codes, and reward builders and homeowners who make responsible decisions to mitigate risk that can have positive impacts on the entire community.

Emergency  
Evacuation Plan  
Emergency Preparedness  
Make the plan.



# Building a National Emergency Management System

*Emergency preparedness is a shared responsibility among all levels of government. Adequate emergency management and response personnel, equipment, facilities, training and other resources are necessary at the local, state and federal level.*

Strengthening the capabilities of local and state emergency management and the various response disciplines will help prevent the loss of life and property during disasters, deliver assistance to victims more quickly, and reduce costs.

The nation requires an emergency management system that recognizes the necessary integration of local, tribal, state, regional and federal organizations capable of creating a single management structure in response to disasters. Unity of effort is a prerequisite for effective disaster response. Intergovernmental relationships must be established and communications networks in place prior to events.



## ► Components of an effective emergency management system:

- Emergency management is recognized as a critical government service.
- Hazards and threats are identified and emergency operations plans are in place to address them; mitigation and prevention activities are encouraged and supported by public officials.
- Emergency management agencies are appropriately staffed, trained and resourced.
- Emergency operations centers are functional and used to coordinate disaster response; interoperable communications systems are in place; and information-sharing takes place between all response entities.
- Emergency warning and notification systems exist. Government has the ability to provide clear and timely information to the public during times of disaster.
- Mutual aid systems help facilitate the request or provision of supplemental disaster assistance when needed.
- The private sector, volunteer agencies and other key stakeholders are engaged with government in planning and preparedness activities and are effectively utilized during disaster response and recovery.
- Citizens understand their responsibility and take action to prepare for disasters and lessen their reliance on government.
- Communication and coordination takes place regularly between emergency management agencies at all levels of government.



EMAC is law in all 50 states, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. This congressionally ratified agreement is an efficient and effective system for states to share resources with one another during Governor declared incidents. Resolved upfront are key issues such as tort liability and immunity, license reciprocity, workers' compensation, and reimbursement. Implemented through the state emergency management agencies, states are able to leverage the nation's premiere mutual aid system when they need assistance from each other. NEMA serves as the national administrator for EMAC. [www.emacweb.org](http://www.emacweb.org)

## Emergency Preparedness for Individuals

***Elected officials should make sure the public, private sector and media understand the limitations of government in disasters and plan for emergencies in advance.***

The increasing reliance on government to meet the most basic needs of people in the immediate aftermath of a disaster leads to unrealistic expectations and causes other vital response and recovery actions to be delayed.

Disaster assistance programs are available to help individuals, businesses, nonprofit organizations and governments recover following a disaster, but the programs are limited and many include loans that must be repaid or require a shared financial contribution. Sufficient government funding isn't available to fully restore what can be lost in a disaster. Therefore, it's important that people make good decisions about where they build their homes and locate their businesses, purchase adequate insurance, put emergency plans in place, and take actions to lessen the impact of disasters before they strike.

State and local emergency management agencies regularly promote individual and family preparedness through public information campaigns and other special events to raise awareness of the importance of emergency planning. Specific instructions on what to do during a disaster can be found on their web sites along with emergency plans, evacuation routes, and emergency shelter locations. Many states now provide information to the public in real-time through apps that can be downloaded onto smart phones or other electronic devices. Elected officials are encouraged to contact their emergency management agencies and lend support to public information campaigns taking place within their jurisdictions.



***The message of individual preparedness and self-reliance is one that should be conveyed by elected officials before, during and after disasters.***

## Private Sector Preparedness

***Companies in the private sector have a responsibility to their employees and the communities they serve to be prepared for emergencies and disasters.***

Elected officials can encourage key industries and companies to assess their own hazards and threats, develop plans and procedures to address them, and train and drill their employees on emergency protocols. In addition, many businesses that can reopen quickly following a disaster can also help provide basic services to communities such as bottled water, ice, food, and fuel. This allows government to focus on other vital services, such search and rescue operations, utilities restoration and infrastructure repair.

The private sector has vast resources beyond those of government and the systems in place to access and deliver equipment and other assistance more quickly. Most state and local governments have engaged in joint planning with the private sector and recognize them as important partners in an effective emergency management system. Public-private partnerships that allow each sector to utilize their skills and resources can help ensure a quicker recovery.

The private sector must be resilient and elected officials should encourage business leaders to be prepared. Business continuity is vital to a community's ability to recover after a disaster.







**NEMA** NATIONAL EMERGENCY  
MANAGEMENT ASSOCIATION



NEMA is a nonprofit, nonpartisan organization and an affiliate of The Council of State Governments. Established in 1974, NEMA represents the emergency management directors in the 50 states, U.S. territories and District of Columbia.

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## **Bangor Area Storm Water Group Meeting**

January 12, 2017

Location: Eastern Maine Community College

9:00 am – 11:00 am

*V= Potential Member Vote Needed to Conduct Business*

### **AGENDA**

- 9:00 am**      **Welcome and Round-robin Introductions (5 min)**
- 9:05 am**      **Preparation for Inter-cluster Planning Session re: MS4 Permit Renewal (10 min)**  
In Preparation for meeting scheduled in Augusta at MMA for 1/30/17 from 10 am – 12 pm
- 9:15 am**      **Engaging Co-Sponsors for Snow and Ice Control Voluntary Certification Legislation (10 min)**
- 9:25 am**      **Science Festival Update (5 min)**
- 9:30 am**      **Review of Outreach Video Script and Discussion (15 min)**  
Group Input and Decisions - Led by Pulse Marketing  
*Including update on Temper of the Times Foundation Grant Submission*
- 9:45 am**      **Focus Group Planning (15 min)**  
Group Input and Decisions - Led by Pulse Marketing
- 10:00 am**      **Review of SEE Contract for Support Services (15 min) (V)**
  - Presentation of contract proposal by Phil Ruck (SEE); group discussion and vote
- 10:15 am**      **Organizational Business (25 min)**
  - Bylaws Revision (V)
  - Decision about audio recording of BASWG meetings (V)
  - Approval of minutes (V)
- 10:40 am**      **Proposed PY5 Budget Planning and Discussion (20 min)**
  - Review of Exec Committee Proposal
  - Discussion about budgets and changing budget needs based on compliance requirements
- 11:00 am**      **BASWG meeting adjourns**  
*Executive Committee members should expect to stay for up to a half hour following meeting if needed to address budget/contract actions*

