

# **TOWN OF LIMERICK ZONING ORDINANCE**



**MARCH 2024**

## TABLE OF CONTENTS

<b>Article I</b>	<b>Preamble</b>	<b>1</b>
<b>Article II</b>	<b>Definitions</b>	<b>2</b>
<b>Article III</b>	<b>General Provisions</b>	<b>19</b>
<b>Article IV</b>	<b>Establishment of Districts</b>	<b>26</b>
	<b>Zoning Map</b>	<b>27</b>
<b>Article V</b>	<b>District Regulations</b>	<b>28</b>
	<b>Land Use Chart Key</b>	<b>30</b>
	<b>Dimensional Requirements</b>	<b>31</b>
<b>Article VI</b>	<b>Administration</b>	<b>32</b>
	<b>A. Building Permits</b>	<b>32</b>
	<b>B. Permit Application</b>	<b>33</b>
	<b>C. Certificate of Occupancy Required</b>	<b>36</b>
	<b>D. Conditional Use Permits</b>	<b>36</b>
	<b>E. Public Hearings</b>	<b>38</b>
	<b>F. Decision</b>	<b>39</b>
	<b>G. Standards Applicable to Conditional Uses</b>	<b>39</b>
	<b>H. Conditions Attached to Conditional Uses</b>	<b>40</b>
	<b>I. Performance Guarantees</b>	<b>41</b>
	<b>J. Site Review</b>	<b>42</b>
	<b>K. Submission Requirements</b>	<b>43</b>
	<b>L. Administration</b>	<b>44</b>
<b>Article VII</b>	<b>Performance Standards</b>	<b>46</b>
	<b>A. Multi-Family and Two-Family Residential Bldgs.</b>	<b>46</b>
	<b>B. New Construction of Multi-Family Residential Bldgs.</b>	<b>48</b>
	<b>C. Standards for Existing Multi-Family or Two Family Structures</b>	<b>49</b>
	<b>D. Signs</b>	<b>49</b>
	<b>E. Mobile Home Parks</b>	<b>51</b>
	<b>F. Manufactured Housing</b>	<b>54</b>
	<b>G. Automobile Graveyards and Junkyards</b>	<b>55</b>
	<b>H. Parking</b>	<b>56</b>

<b>I. Mobile Classrooms Regulations</b>	<b>56</b>
<b>J. Communication Towers Ordinance</b>	<b>57</b>
<b>K. Accessory Dwelling Units</b>	<b>59</b>
<b>L. Home Occupation</b>	<b>59</b>
<b>M. New/Used Car Lots</b>	<b>60</b>
<b>N. Marijuana</b>	<b>61</b>
<b>O. Large Scale Water Ordinance</b>	<b>64</b>
<b>P. Solar Array Ordinance</b>	<b>77</b>
<b>Article VIII Conditionna Uses</b>	<b>84</b>
<b>Article IX Enforcement</b>	<b>89</b>
<b>Article X Board of Appeals</b>	<b>90</b>
<b>Article XI Amendments</b>	<b>97</b>
<b>Article XII Penalty</b>	<b>97</b>
<b>Article XIII Saving Clause</b>	<b>97</b>
<b>Article XIV Effective Date</b>	<b>97</b>

## **LIMERICK ZONING ORDINANCE**

An ordinance to promote the health, safety and general welfare of the community by regulating and restricting the use and construction of buildings and premises in the Town of Limerick, Maine.

### **Article I - Preamble**

#### **1.A. Authority**

This Ordinance has been prepared in accordance with the provisions of Title 30-A of the Maine Revised Statutes Annotated, as amended.

#### **1.B. Short Title**

This Ordinance and accompanying Official Zoning Map shall be known as and may be cited as the "Zoning Ordinance, Town of Limerick, Maine."

#### **1.C. Purpose**

The Purpose of this Ordinance is to protect the health, safety, and general welfare of the residents of the Town of Limerick; to encourage appropriate use of land throughout the municipality; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to prevent housing development in unsuitable areas; to provide an allotment of land in new developments sufficient for all requirements of community life; to conserve natural resources and visual character; and to provide for adequate public services, as an integral part of a comprehensive plan for municipal development.

#### **1.D. Jurisdiction**

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Limerick.

#### **1.C. Rules of Construction**

Captions and headings within the Ordinance are an integral part of the ordinance and are intended to be utilized in determining the meaning and applicability of the sections they identify.

Now, therefore, the following ordinance is hereby enacted by the voters of the Town of Limerick, Maine in an official meeting convened.

## Article II – Definitions of Terms Used in this Ordinance

### 2.A Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between text of this Ordinance and any map, illustration, or table, the text shall control.

The word “person” includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include singular.

The words “shall” and “will” are mandatory, the word “may” permissive.

The word “lot” includes the words “plot” and “parcel”.

The word “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended, arranged or designed to be used or occupied”.

The word “town” or “municipality” means the Town of Limerick, Maine.

### 2.B Definitions

In this Ordinance the following terms shall have the following meanings:

**Abandon Use or Structure:** A use or structure which a person or entity has ceased maintaining or using for a period of one (1) year.

**Abutting Property:** Property sharing a common boundary with or within two hundred fifty (250) feet of the property, whether or not these properties are separated by public or private way.

**Accessory Apartment:** Single bedroom apartment created solely for the purpose of providing additional independent living quarters for a family member on the same lot as the principal residence. Not considered an additional dwelling unit.

**Accessory Use or Structure:** A use or structure which is customarily and in fact both incident and subordinate to the principal use or structure shall mean subordinate and minor insignificance to the principal structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or garage attached to the principal structure by a roof or common wall is considered part of the principal structure.

**Agriculture:** The production, keeping or maintenance for sale or lease, of plants and or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; and poultry products; livestock, fruits and vegetables; and nurseries and ornamental and greenhouse products. Agriculture does not include Forest Management and Timber Harvesting activities, or the cultivation, growing, production, testing, sale or processing of Marijuana (Cannabis).

**Aggrieved Party:** An owner of land whose property is directly or indirectly affected by 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 granting or denial of such permit or variance. The Selectperson(s) of the Town of Limerick shall be included in the definition of Aggrieved Party with respect to any decision of the Limerick Planning Board or the Code Enforcement Officer made pursuant to this Ordinance.

**Agronomy:** Agronomy is the science and technology of producing and using plants for food, fuel, fiber and land reclamation.

**Airbnb:** Short term rent can either be a house, an apartment transient occupants.

**Alteration:** any change, addition, modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

**Automobile Graveyard:** A yard, field or other area used to store three (3) or more unregistered or uninspected motor vehicles, or parts of vehicles as defined in Title 29A M.R.S.A. and 30A M.R.S.A..

**Automobile recycling business:** An “automobile recycling” business as defined in 29A M.R.S.A. and 30-A M.R.S.A..

**Base Station:** The primary sending and receiving site in Communication Towers.

**Bed and Breakfast:** A. State Licensed facility offering three (3) to ten (10) rooms for overnight stay to the general public. Meals may or may not be provided.

**Buffer:** A part of a property or an entire property which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties, or on sensitive natural resources.

**Bulk Storage:** For the purposes of this ordinance bulk storage is either an area used to store large quantities of chemicals for resale or industrial use, or for the storage of a large amount of building materials not for resale.

**Business:** a company or individual providing any commercial use services that that would require filing a tax return to the Maine Revenue Service or to the Internal Revenue Service.

**Business office:** A space used to conduct the administrative affairs of an organization.

**Campgrounds:** Any premises used for the purpose of temporary camping for which a fee is charged.

**Cannabis:** Also known as Marijuana. The leaves, stems, flowers and seeds of a Marijuana plant, whether growing or not. “Marijuana” “Cannabis” includes Marijuana (Cannabis) concentrate but does not include industrial hemp as defined in M.R.S.A. Title 7 Section 2231, 1, or a Marijuana (Cannabis) product.

**Change of Use:** A change from one category in the land use table to another or the addition of a new category of use to an existing use.

**Communication Tower:** As used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.

**Commercial Use:** The use of lands, buildings or structures, other than a “Home Occupation” (defined below), the intent or result of which activity is the production of income from buying or selling of goods and or services.

**Conditional use Permit:** A permit authorized by the Planning Board for a Conditional Use. A Conditional Use is a use that would not be appropriate without restriction(s), but which is permitted provided that all performance standards and other requirements of this ordinance are met. A Conditional Use Permit does not authorize the applicant to build, but merely authorizes the Code Enforcement Officer to issue a building permit and or a Business License, provided that all requirements for issuance of a building permit and or business license are satisfied by the applicant.

**Construction Trade:** A business involved in construction, repair or demolition of residential or commercial structures and/or fixtures.

**Day Care Center or Nursery School:**

- A. A facility registered with or licensed by the State that provides care or instruction to more than eight (8) children or a facility registered and licensed by the State that is not located within a residence. This term may also apply to facilities which provide day care to the elderly or to adults with disabilities.
- B. A facility registered with or licensed by the State that provides care or instruction to eight (8) or fewer children and is located within a residence. This term may also apply to facilities which provide day care to the elderly or to adults with disabilities.

**Density:** The number of dwelling Units per acre of land.

**Developed Area:** Any Area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

**Development:** A change in land use involving alteration of 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.

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

**Domestic Animal:** An animal such as the horse or cat, that has been tamed and kept by humans as a work animal, food source or pet, especially a member of those species that have, through selective breeding, become notably different from their wild ancestors.

**Domestic Animal Services:** Establishments primarily engaged in providing care services, including but not limited to training and grooming (cleaning, maintaining, or clipping the appearance) of domestic animals that do not require housing or boarding of such animals.

**Duplex:** A fixed structure containing two dwelling units.

**Driveway:** A vehicular access serving one or two private lots.

**Dwelling:** Any building or structure, or portion thereof, designed or used for residential purposes.

**Dwelling Single-Family:** A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

**Dwelling Multi-Family:** A building containing two (2) to four (4) dwelling units, such buildings being designed for residential use and occupancy by two (2) to four (4) families living independently of one another, with the families not exceeding the number of dwelling units.

**Dwelling unit:** A room or suite of rooms designed and equipped exclusively for use by one family at a time as a permanent seasonal or temporary habitation, and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing and rental units that contain independent living, cooking, sleeping, bathing and sanitary facilities regardless of the time period rented. Recreational vehicles are motel units that do not contain independent living, cooking, sleeping, bathing and sanitary facilities are not dwelling units.

**Duplex:** a dwelling containing exactly two (2) dwelling units.

**Electronic Messaging Boards (EMC):** Are computerized programable electronic visual communications devices, specifically manufactured for the outside environment. They are capable of storing and displaying multiple messages in dozens of formats and at varying intervals.

**Extraction (or “water extraction” or “extraction of water”):** Withdrawal, removal, diversion, taking or collection by means of water from groundwater sources, aquifers, springs, wells, pumps, or similar.

**Extraction Point or Extraction Facility:** The physical location where water is extracted, whether by well, pump, pipeline, catchment or other similar method.

**Façade:** The face of a building, especially the principal front that looks onto the street or open space.

**Family:** One or more persons occupying a premise and living as a single housekeeping unit.

**Farming:** Farming means primarily engaging in the commercial production of agricultural products as a livelihood and includes dairy farming; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural



commodities; or any practices on a farm is incident to or in conjunction with these farming operations.

**Financial Institution:** A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, and check cashing facilities.

**Filling:** Depositing or dumping soil, topsoil, loam, sand, gravel, clay, rock, peat or other like material on or into the ground or water.

**Flea Market:** The sale of used merchandise customarily involving tables or space leased to vendors.

**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.

**Forest Products Industry:** A business involved in the processing of logs, tree length timber or re-sawn lumber to produce a product such as lumber, firewood, chips, mulch, pellets, or sawdust.

**Forest 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, frost walls, or other base consisting of concrete, block, brick, or similar material.

**Free-Standing Sign:** A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.

**Frontage: Street:** The distance between the sidelines of a lot as measured along the front lot line of the street right-of-way limits. **Shore:** The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at "normal high-water line" as defined in this Ordinance.

**Garage Sale:** See Yard Sale.

**Guest House:** See Inn.

**Government/Municipal Facilities:** Any facility, including but not limited to buildings, property, recreation areas, police protection, fire protection, libraries, and municipal offices which are owned, leased or otherwise operated or funded by a governmental body.

**Great Pond:** Any inland body of water which, in a natural state, has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres, except for the purposes of this Ordinance, where the artificially formed or increased inland body of water of water is completely surrounded by land held by a single owner.

**Grand fathered:** A lawfully pre-existing nonconforming use, structure or lot that does not conform to one or more requirements of the current ordinance.

**Guest House:** See Inn.

**Hammerhead Turn:** A gravel or paved area built entirely outside of the right of way a minimum of fourteen feet by fifty feet (14' x 50') with fifteen feet (15') radii for the purpose of vehicular maneuvering.

**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 effected by a harvest encompasses the area within the outer boundaries of these activities, excepting un-harvested areas greater than ten (10) acres within the area affected by a harvest.

**Hazard Tree:** A tree with a structural defect, combination of defects, or disease resulting in a structural defect 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; microburst; 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 portion of a tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**Health Care Facility:** Any facility, whether public or private, proprietary or not for profit, required to obtain a certificate of need in accordance with federal laws and regulations under the National Health Planning and Resources Development Act of 1974, or any amendment, and shall include hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, kidney disease treatment centers including free standing hemodialysis units, intermediate care facilities, rehabilitation facilities, ambulatory surgical facilities, home health care providers and health maintenance organizations. The term shall not apply to any facility operated by religious groups relying solely on spiritual means through prayer for healing.

**Home Occupation:** 1). An occupation or profession carried on within a dwelling unit or accessory structure that is clearly incidental to the use of the dwelling unit for residential purposes. Customary home occupations include, but are not limited to: hairdressing, millinery, laundering, craft-making, woodworking, preserving and home cooking, or similar uses, or the office of a doctor, dentist, lawyer, musician, teacher, architect, real estate broker, computer programmer, or member of any recognized profession. Home occupation shall also include any occupation or trade carried on or away from the premises and not requiring outside storage of an inventory, stock in trade, or other equipment. This definition does not apply to farming and agriculture. A structure, use or activity not otherwise permitted by this ordinance shall not be permitted as a home occupation and 2). which employs no more than two(2) persons other than family members residing in the house.

**Hotel:** A building in which lodging, or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities and restaurants.

**Housing for the elderly:** Housing constructed or adapted specifically for occupancy by elderly persons which may include central dining facilities and the provision of supportive social services.

**Impervious:** Non-vegetation or no vegetation. (see also pervious).

**Industrial:** Uses involving manufacturing, finishing, packaging or processing of goods or the extraction of minerals.

**Increase in Non-Conformity of a Structure:** any change in a structure or property which causes further deviation from dimensional standard(s) creating the non-conformity 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 a non-conformance of the existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity 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 non-conforming 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 need not be limited to, a gravel pad, parking area, fireplace, or tent platform.

**Industrial:** Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, except for mineral extraction.

**Inn:** A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house.

**Junk:** "Junk" as defined in 30-A M.R.S.A. § 3901, as may be amended from time to time.

**Junkyard:** A "junkyard" as defined in 30-A M.R.S.A. § 3752(4), as may be amended from time to time.

**Kennel:** A place where dog and cats are bred or boarded for commercial purposes or where more than eight (8) dogs six (6) months old or older reside.

**Large Scale Water Extraction:** Extraction of water from ground water sources, aquifers, springs, wells, or similar in a total daily amount on any given day of five thousand (5000) gallons or more, as extracted by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized.

**Lodging House:** See Inn.

**Lot Area:** The total horizontal area within lot lines, minus the area below the upland edge of a wetland or water body and areas beneath roads serving more than two (2) lots.

**Lot, Back:** A lot without frontage adjacent to an existing street.

**Lot, Corner:** A lot with at least two contiguous sides abutting upon a street or right of way.

**Lot, Coverage:** The percentage of the lot covered by all buildings.

**Lot, Interior:** Any lot other than a corner lot.

**Lot Lines:** The lines bounding a lot as defined below:

**Front Lot Line:** The lot line separating the lot from the street or right of way. On a corner or through lot, the line separating the lot from both streets or right of way.

**Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line, shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front line of least dimension.

**Side Lot Line:** Any lot line other than the front lot line or the rear lot line.

**Lot of Record:** a parcel of land a legal description of which or the dimensions of which are recorded on a document or map on file with the York County Register of Deeds.

**Lot, Through:** Any interior lot having frontages on two (2) or more or less parcel streets or rights of way or between a street and water body, or a right of way and a water body, or between two (2) water bodies, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights of way, and water bodies shall be considered frontage. For purposes of determining setbacks, the front lot line shall be on the street or right of way only. The remaining lot lines shall be treated, for purposes of determining required setback, as side lot lines.

**Lot Width:** The distance between the side lot lines of the lot measured at the front lot line.

**Manufactured Housing:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

1. This term also includes any structure which meets all the requirements of this sub-paragraph, except the size requirements and with respect to which the manufacturer voluntarily files certification required by the secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured

housing Construction and Safety Standards Act of 1974, United Code, Title 42, Section 5401, et seq.; and

Those units constructed after June 15, 1976 commonly called “newer mobile homes”, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in traveling mode are fourteen (14) body feet or more in width and seven hundred and fifty (750) or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

2. Those units commonly called “modular homes”, which the manufacturer certified are constructed in compliance the Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

**Manufacturing:** The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

**Marijuana (Cannabis):** The leaves, stems, flowers and seeds of a Marijuana plant, whether growing or not. “Marijuana” “Cannabis” includes Marijuana (Cannabis) concentrate but does not include industrial hemp as defined in M.R.S.A. Title 7 Section 2231, 1, or a Marijuana (Cannabis) product.

**Marijuana Establishment:** A cultivation facility, a products manufacturing facility, a testing facility or a marijuana store licensed by the State of Maine.

**Marijuana Flower:** The pistillate reproductive organs of a mature plant, whether processed or unprocessed, including the flowers and buds of a plant. “Marijuana Flower” does not include marijuana trim or whole mature marijuana plants.

**Marijuana Plant:** All species of the plant genus cannabis, including, but not limited to, a mother plant, a mature marijuana plant, an immature marijuana plant or a seedling.

**Marina:** A commercial establishment having frontage on navigable water and, as its principal use, providing for hire moorings or docking facilities for boats, and which may also provide accessory services, such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and related equipment, bait and tackle shops, and marine fuel service facilities for boats.

**Mechanized Recreation:** Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity except for the personal use of ATVs, snowmobiles and other similar vehicles.

**Medical Marijuana:** Marijuana specifically permitted pursuant to the Maine Medical Use of Marijuana Act and Rules.

**Medical Marijuana Caregiver:** A caregiver who is not required to be registered with the state. This caregiver is limited to serving no more than 2 qualifying patient household members or family members. These caregivers are not allowed to sell marijuana wholesale, organize as a business entity or operate a retail store. This is considered an accessory use to a legally permitted residential dwelling unit.

**Medical Marijuana Cooperative:** Two or more medical marijuana caregivers claiming a location as a primary residence in order to conduct medical marijuana home production. Medical marijuana cooperatives are considered medical marijuana production facilities under this ordinance.

**Medical Marijuana Home Production:** Growing, cultivating, processing, and/or storing medical marijuana by a registered medical marijuana caregiver at his/her primary residence as a home occupation use.

**Medical Marijuana Production Facility:** A building used for cultivating, processing, testing, storing of medical marijuana; and / or distribution by a medical marijuana caregiver at a location which is not the caregiver's primary year-round residence or their qualifying patient's primary year-round residence. This shall be considered a commercial use.

**Medical Marijuana Qualifying Patient:** A person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana.

**Medical Marijuana Registered Caregiver:** A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

**Medical Use:** Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of medical marijuana or paraphernalia relating to the administration of medical marijuana to treat or alleviate a patient's debilitating medical condition or systems associated with the qualifying patient's debilitating medical condition.

**Minimum Lot Width:** The closest distance between the side lot lines of a lot. When only two (2) lot lines extend into the Shoreland zone, both lot lines shall be considered to be side lot lines.

**Mobile Classroom:** A self-contained building transportable in one or more sections used for the purpose of providing educational instruction to students and which may or may not be attached to another building.

**Mobile home:** A structure transportable in one or more sections which is ten (10) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein. Such a structure shall be certified by the United States Department of Housing and Urban Standards or by the applicable federal agency or act as described in 30-A M.R.S.A § 4358, as may be amended from time to time.

**Mobile home pad or pad:** A concrete area that has been established for the placement of a mobile or manufactured home, appurtenant structures, or addition.

**Mobile home park: Minimum Lot Width:** The closest distance between the side lot lines of a lot. When only two (2) lot lines extend into the Shoreland zone, both lot lines shall be considered to be side lot lines.

**Modular Home:** A construction style of buildings that are prefabricated or manufactured at a central location and shipped.

**Motel:** A building or group of buildings in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building. Motel includes such terms as tourist cabins and tourist court. And transient accommodations which do not meet the definition of Bed and Breakfast, Hotel or Inn shall be deemed to be a motel for the purposes of this ordinance.

**Motor Vehicle Repair & Service Facility:** An establishment that provides service and maintenance to motor vehicles, including the accessory sale of fuel, parts and supplies. Such establishments include service stations; muffler, transmission and brake shops; car washes; tune up centers; painting and auto body work shops; and establishments performing engine rebuilding or structural repairs and alterations to motor vehicles.

**Multifamily Development:** A lot which contains one or more multifamily dwellings, two or more duplexes, three or more single family dwellings, or any combination of buildings containing three or more dwelling units or land in common ownership, such as apartment buildings, condominiums, or mobile home parks.

**Multi-family residential building:** A building or portion thereof principally designed, adapted, or composed of three or more dwelling units.

**Naturally Internally Drained:** Areas of a site that, as a result of predevelopment topography and interim and final topography produced during development of the site, are and will remain at all times over the course of the development graded so that neither eroded material(s) or runoff either crosses the property boundary or enters a river, brook, stream, great pond or freshwater or coastal wetland or other protected area. Areas that rely on man-made structures to maintain internal drainage are not considered naturally internally drained.

**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 amendments took effect.

**Non-Conforming Lot of Record:** A lot legally existing as of the date on which this Ordinance is adopted, which does not meet the applicable area, frontage, width, or depth requirements established by this Ordinance.

**Non-Conforming Structure:** A structure that does not meet any one or more of the following dimensional requirements: set-backs, height, lot coverage, or footprint which is allowed solely

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

**Non-conforming use:** A building or structure or the use of land, buildings or structures lawfully existing at the time of enactment of this ordinance, or any amendment thereto, that currently does not conform to the regulations of the district in which it is situated.

**Noxious:** Being invasive, for example Knot weed. Also see Toxic.

**Nuisance(s):** The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture that, by noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect or to remain in any place to the prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream, pond or aquifer; imprudent operation of a watercraft as defined in MSA 2802 Title 12, section 13068-A, subsection 8; unlawfully diverting the water of a river, stream, pond or aquifer from its natural course or state to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where four or more old, discarded, worn-out or junked motor vehicles as defined in MSA Title 29-A, section 101, subsection 42, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are public nuisances.

**Nursing Home:** A facility licensed by the State that provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

**Older mobile homes, trailers:** Terms used interchangeably that mean any factory-built home that fails to meet the definition of "manufactured housing" above and, more specifically, any mobile home constructed prior to June 15, 1976.

**Parking area:** An unobstructed area consisting of one or more 162 sq. ft. parking spaces no part of which is located in or on any public or private right-of-way and the principal use of which is the temporary storing and maneuvering of vehicles.

**Parking Space:** A parking space shall be a minimum of 10' wide x 20' deep. An angled parking space shall be increased by 10% and 25%

**Permanent Foundation:**

1. A full, poured concrete or masonry foundation;
2. A poured concrete frost wall or a mortared frost wall, with or without a concrete floor;



3. A floating slab for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
4. Any foundation, which pursuant to the building code of the municipality, is permitted for other types of single-family dwellings.

**Personal Services Establishment:** An establishment primarily engaged in providing services involving the non-medical care of a person or of his or her apparel. Such establishments may include but are not limited to beauty shops, barber shops, shoe repair shops, photographic studios, coin-operated laundries, fitness studios, and similar establishments.

**Pitched, shingled roof:** A "pitched, shingled roof" as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

**Portable Signs:** A sign standing on, rather than fixed to, the ground. Such signs are usually, but not necessarily, supported from the ground by one (1) or more poles or posts or similar uprights with or without braces, including benches and/or sandwich boards.

**Principal Structure:** The structure in which the principal use of the lot is conducted.

**Principal Use:** The primary use to which the premises or lot are devoted.

**Private Road:** See Streets.

**Processing Facility:** A facility that prepares or packages and sells beef, poultry, fish products, vegetables, fruit etc.

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

**Public Way:** A road opened to use by the public and maintained privately or by a governing agency. Roads discontinued subject to gates and bars are included.

**Reader Boards:** A reader board is a visual display board that conveys information about a wide variety of subjects, including advertising for products or services, travel, news or event information.

**Recreation Facility, Indoor:** A building or portion of a building designed and equipped for the conduct of indoor sports, leisure time activities and other customary and usual recreational activities. Such facilities include, but are not limited to, skating rinks, gymnasias, bowling alleys, and video arcades.

**Recreation Facility, Outdoor:** A facility offering outdoor recreation activities including, but not limited to, cross country ski centers, ball fields, parks and playgrounds, livery, and ski tows, but not including campgrounds, outdoor movies, and outdoor dine and dance facilities, or games and activities as described in the definition of amusements.

**Repeater:** A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a Base Station.

**Retail Business:** An establishment that sells goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail business shall include sales rooms or showrooms.

**Reviewing Authority, Reviewing Agency, Planning Board:** These terms are used interchangeably in these regulations and have the same meaning.

**Right-of-Way:** The easement encompassing an existing or future public or private road.

**Reviewing Authority, Reviewing Agency, Planning Board:** These terms are used interchangeably in these regulations and have the same meaning.

**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) vertical or less.

**Road, Private:** See Streets

**Road, Public:** See Streets

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

**Seasonal Camp/Cottage:** A camp/cottage that is intended for residential use no more than six (6) months in any calendar year. Considered an additional dwelling unit for purposes of the Growth Ordinance.

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

**Single-family residence:** A fixed structure containing one dwelling unit.

**Street:** Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access. Driveways, as defined, are excluded

**Street Classification:**

**Arterial Street:** A major thoroughfare, which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: List streets designated as arterials in the Comprehensive Plan or other planning document.

**Collector Street:** A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

**Cul-de-sac:** A street with only one outlet and having the other end for the reversal of traffic movement.

**Industrial or Commercial Street:** Streets servicing industrial or commercial uses.

**Minor Residential Street, Private Road:** A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

**Street Construction:** The construction of a new street or the upgrading of an existing street or right-of-way. Routine street maintenance is not considered street construction.

**Structure:**

Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, anything constructed or erected on or in the ground, exclusive of:

- A. Fences;
- B. Poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors;
- C. Mailboxes;
- D. Light fixtures;
- E. Flagpoles;
- F. Equipment or structures necessary for the purpose of making a dwelling accessible to a person with a disability, as defined by this chapter;

The term "structure" includes structures temporarily or permanently located, including, but not limited to, decks, satellite dishes, or portable storage garages.

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

**Temporary Sign:** Any sign erected, affixed or maintained on a premise for a short, fixed period of time including portable and/or mobile signs such as sandwich boards and signs on trailers. For purposes of measuring length of time a temporary sign is displayed, use of a sign for any length of time in a twenty-four (24) hour period shall constitute a day.

**Temporary Structure:** A structure without any foundation, footing, not connected to water and sewer, and removed when the designated time period, activity or use for which the temporary structure was erected has ceased, not to exceed 180 days.

**Timber Harvesting:** The cutting and removal of timber for the primary purpose of selling or processing forest products. 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 be not considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Article VI Q *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Toxic:** Toxic contaminants are chemicals that have the potential to harm living organisms. Whether a contaminant actually induces toxicity depends on several factors including concentration, chemical form, availability, and target biological system.

**Trailer, Utility:** A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

**Transportation Service:** A business engaged in the movement of goods and materials, including a for-hire service. Such businesses include, but are not limited to, the transportation of logs, sand & gravel, produce, freight and passengers.

**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.

**Two-family residence:** A fixed structure containing two dwelling units, also known as a duplex.

**Undue Hardship:**

1. That the land in question cannot yield a reasonable return unless a variance is granted;
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. That the granting of a variance will not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or a prior owner.

**Unreasonable Adverse Impact:** Means that the proposed project would produce an end result which is:

1. Excessively out of character with the designated scenic resources affected, including existing buildings, structures and features within the designated scenic resources, and
2. Would significantly diminish the scenic value of the designated scenic resource.

**Upland Edge of a Wetland:** The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Used Merchandise Sales:** The outdoor sale of used articles, conducted for more than five consecutive days or for more than two weekends per year. Used Merchandise Sales include flea markets.

**Variance:** A variance is a relaxation of the terms of this ordinance. Variances permissible under this ordinance are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted exclusively because of the presence of nonconformities in the immediate or adjacent areas.

**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.

**Vehicle Sales:** Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.

**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.

**Wayfinding Signs:** Is particularly important in complex built environments such as urban centers, healthcare and educational campuses, and transportation facilities.

**Wayfinding:** systems can help reduce their stress by providing easy-to-follow signage and legible directions to their destinations.

### **Article III - General Provisions**

- A. No owner or occupant of property in any District shall permit fire-damaged buildings beyond repair or other ruins to remain, but shall remove the same within one (1) year.
- B. Any uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise vibrations, light, glare or similar conditions, that would be considered dangerous or a nuisance, disturbance or annoyance are prohibited.
- C. Nothing in this ordinance shall be construed to prevent the storage of agricultural equipment in any zone or for the shelter of riding horses for non-commercial recreational uses in any zone, provided that at least one-half acre of open space is available adjacent to the buildings.
- D. Subdivisions shall be regulated by the Town of Limerick, Maine Planning Board Standards for Reviewing Land Subdivision and by 30-A M.R.S.A. §§ 4400 – 4408.
- E. No permit for the erection of any building shall be issued unless there exists a street or road giving access to such proposed structure. Before such permit shall be issued, such street or road be improved to the satisfaction of the Road Commissioner and the Planning Board in accordance with the applicable design and construction standards and specifications of the Town of Limerick. Alternatively, and at the discretion of the Planning Board, a performance bond sufficient to cover the full cost of such improvement as estimated by the Road Commissioner may be furnished to the Town by the owner. Such performance bond shall be issued by a bonding or Surety Company approved by the Road Commissioner and shall also be approved by the Road Commissioner as to form, sufficiency and manner of execution. A satisfactory letter of credit from a financial institution may be substituted for a performance bond.

Where the enforcement of the provisions of this section would entail unnecessary hardship, or where the circumstances of the case do not require the structure to be related to the existing or proposed streets, roads or highways, the applicant for such a permit may appeal from a decision of the Building Inspector, and the same provisions for the grant of a variance shall be applied by the Board of Appeals in considering the appeal. The Board of Appeals may, in considering such appeal, impose any reasonable conditions that will protect any future street, road or highway layout. For the purposes of this section, the term “access” shall mean that the lot upon which such structure is proposed to be erected directly abuts on a street or road and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and the frontage requirements of this ordinance shall presumptively be sufficient for that purpose.

- F. As determined by the Limerick Planning Board, all fees and costs to the Town associated with the Board’s review of an application or proposal will be charged to the applicant.

- G. Land susceptible to flooding or with slopes of greater than 20%, 100-year frequency floodplains as identified by authorized State and federal authorities and land not suitable for development because of soil characteristics, i.e. hydric soils, which may also be hazardous to life, health or property shall not be accepted as part of a proposed subdivision or to meet minimum lot size requirements.

#### H. 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, moved, or altered; and no new lot shall be created, unless in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

##### A. Non-Conformance

##### B. General

**1.A Continuance, Enlargement, Reconstruction:** Any legally existing nonconforming use or non-conforming structure may continue to exist but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.

**1.B Transfer of Ownership:** Non-conforming structures, non-conforming lots of record, and non-conforming uses that may continue to exist under this Ordinance may also be transferred, and the new owner may continue the nonconforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

**1.C Restoration or Replacement:** This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures:

1. Repairs, renovations or modernizations which do not involve expansion of the non-conforming use or structure.
  2. Such other changes as Federal, State, or local building and safety codes may require, or as may be required by law in order to provide accessibility to persons with disabilities.
  3. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed with one (1) year of the date of said damage or destruction, provided that:
    - (a) The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces.
    - (b) Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the Maine State Subsurface Wastewater Disposal Rules.
- And:
- (c) Any non-conforming use shall not be expanded in area.
  - (d) Nothing in this section shall prevent the demolition of the remains of any building so damaged or destroyed.

## **2. Non-Conforming Use**

### **2.A Resumption of Use Prohibited**

2.A.1 A lot, building or structure, other than a residential structure, in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.

### **2.B Resumption of Use of Residential Structure Prohibited**

A residential structure in or on which a non-conforming residential use is discontinued for a period exceeding five (5) years, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.

### **2.C Structure Non-Conforming as to Use**

1. Except for single family dwellings, a building or structure, non-conforming as to use, shall not be enlarged unless the non-conforming use is terminated.
2. A non-conforming use or part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.
3. Non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such residential structures, as permitted in this Ordinance, including the provisions applying to the Shoreland Zone.

### **2.D Change of Use**

1. A Legally existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the district than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Board of Appeals.
2. The case shall be heard as an administrative appeal.
3. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use.



4. The performance standards of this Ordinance shall apply to such requests to establish new non-conforming uses.

## **2.E Use of Land**

1. A non-conforming use of land may not be extended into any part of the remainder of the lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.
2. In the case of earth removal operations, the removal of earth may not be extended as a non-conforming use beyond the required set-back lines of the specific parcel upon which such operations were in progress when such use became non-conforming, as required by the performance standards for extractive industries.
3. Adjacent parcels in the same or different ownership shall not be eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these parcels before these provisions were enacted.
4. The provision of required off-street parking for an existing non-conforming use shall not be considered an expansion of the use.

## **3. Non-Conforming Structures – Dimensional Requirements**

(Pertaining to dimensional requirements. Applications regarding non-conforming use shall be reviewed under the provisions above.)

### **A. Enlargements Controlled**

A non-conforming structure shall not be added to or enlarged unless: such addition or enlargement conforms to all the regulations of the district in which it is located; the addition does not increase the non-conformity of the structure; or a variance is obtained. In addition, state laws must be adhered to.

1. The addition of an open patio with no structures elevated above ground level shall not constitute the expansion of a non-conforming structure. The addition of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure. But the addition of a deck shall constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this ordinance.
2. The placing of a foundation below a lawfully existing nonconforming

structure shall not constitute the expansion of the structure so long as the first-floor space of the structure is not increased.

3. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the State Plumbing Laws (Title 30, Maine Revised Statutes Annotated, §3221, Subsection 4) requiring documentation of wastewater disposal capabilities.

#### **B. Discontinuance**

Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.

#### **C. Lack of Required Parking or Loading Space**

A conforming building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this ordinance for both the addition or alteration and the original building or structure, or a variance is obtained.

### **4. Non-Conforming Lots of Record**

#### **A. Vacant Lots**

A vacant non-conforming lot of record may be built upon without a variance provided that:

1. Such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership;
2. A permit to build the proposed structure on the lot could legally have been issued without a variance under the zoning and land use provisions in effect immediately before the enactment of this Ordinance; and
3. All provisions of this Ordinance except lot size and frontage and shore frontage can be met.

If proposed construction on a non-conforming lot fails to meet the applicable requirements of this Ordinance, then no construction shall be permitted on the lot unless a variance from the applicable requirements is first obtained from the Board of Appeals.

## **5. Built Lots**

A non-conforming lot on which a structure was legally built prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions:

1. The structure(s) may be repaired, maintained, or improved, and may be enlarged provided that, as enlarged, they conform with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage.
2. If the proposed enlargement of the structure(s) cannot meet the applicable dimensional requirements, then no permit shall issue for the proposed enlargement unless a variance from the applicable dimensional requirements is first obtained from the Board of Appeals.

## **6. Contiguous Built Lots**

1. If two or more contiguous lots or parcels are in common ownership of record at the time of adoption of this Ordinance, if one or more of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists legally on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and (12 M.R.S.A., Sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
2. If two or more principal uses existed legally on a single lot of record on the effective date of this Ordinance, each may be sold as a separate lot provided that the above referenced Law and Rules are complied with.
3. When such lots are divided, each lot thus created must conform as nearly as possible to the dimensional requirements of this Ordinance.

## **7. Contiguous Lots – Vacant or Partially Built**

If two (2) 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 (1) or more of the lots are vacant or contain only an accessory structure or only a structure not legally permitted at the time of adoption of this Ordinance, the lots shall be combined to the extent necessary to meet the dimensional standards, except where rights have vested.

In a Shoreland Zone this provision shall not apply to two (2) or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance 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

1. Each lot contains at least one hundred (100) feet of shore frontage and at least twenty thousand (20,000) square feet of lot area; or
2. Any lots that do not meet the frontage and lot size requirements of Article 5.B.7 (1) are re-configured or combined so that each new lot contains at least one hundred (100) feet of shore frontage and twenty thousand (20,000) square feet of lot area.

### **8. Vested Rights**

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required state permits and approvals. Such rights arise:

1. When the landowner has made a substantial start on construction of structures, or
2. Development of infrastructure improvements for town approved subdivisions, prior to or within twelve (12) months of the adoption or amendment of this Ordinance, or
3. In the case of pending applications, when the review process on an application commences.
4. Such construction must be legal at the time it is commenced, and the owner must be in possession of and in compliance with all validly issued permits, federal, state and local.

## **Article IV - Establishment of Zoning Districts**

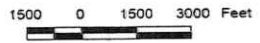
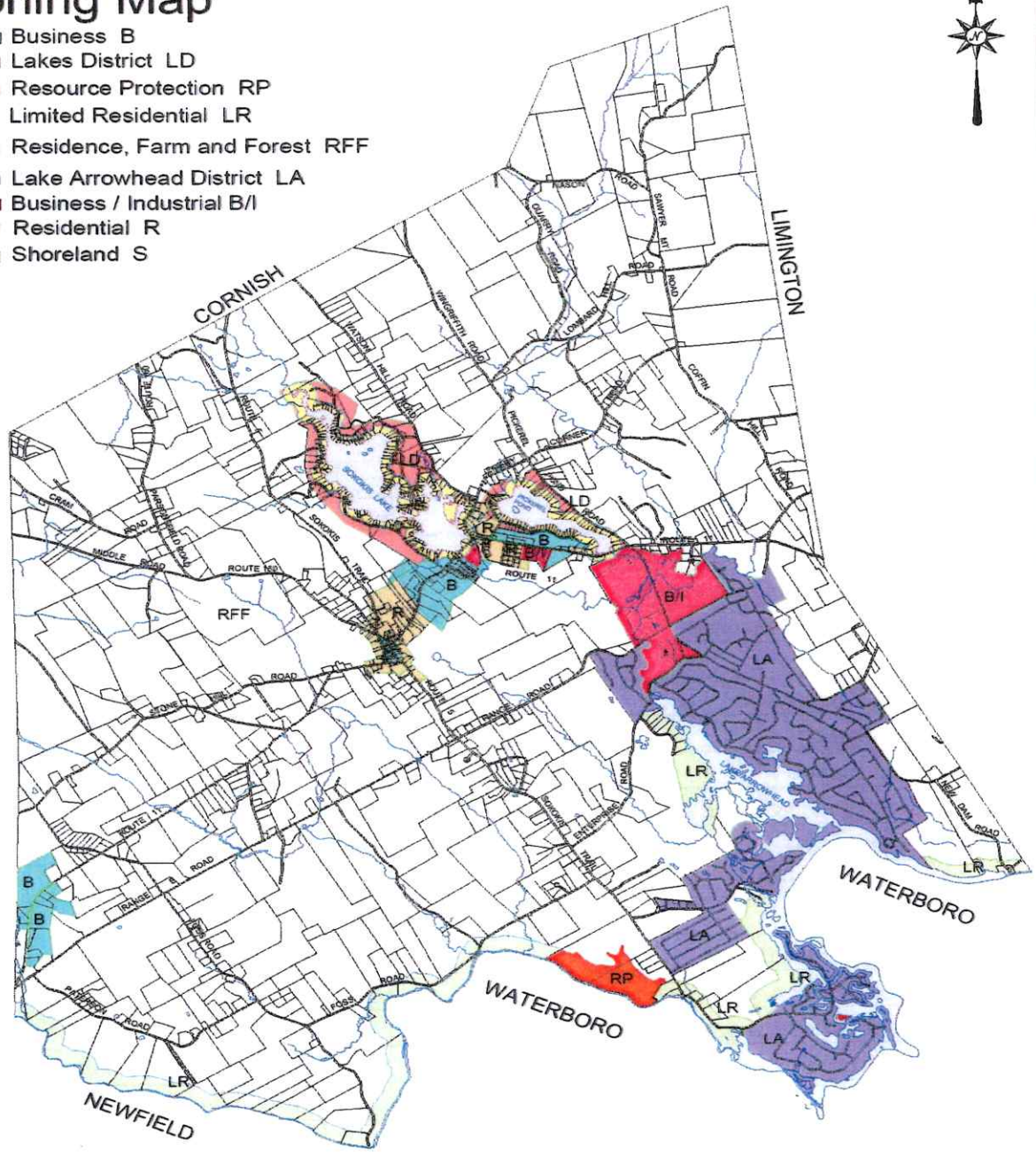
For the purpose of this ordinance, the Town of Limerick, Maine is divided into districts as shown on the zoning map filed with the Town Clerk and dated November 5, 2013, as subsequently amended, and including the following:

- A. Residential District (Res)**
- B. Lake District (LD)**
- C. Arrowhead Residence District (LA)**
- D. Residence, Farm and Forest District (RF&F)**
- E. Business District (Bus)**
- F. Business/Industrial District (B/I)**

# LIMERICK

## Zoning Map

- Business B
- Lakes District LD
- Resource Protection RP
- Limited Residential LR
- Residence, Farm and Forest RFF
- Lake Arrowhead District LA
- Business / Industrial B/I
- Residential R
- Shoreland S



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ZONE LINES WERE EXTRAPOLATED FROM AN OLDER ZONING MAP.  
 ZONE BOUNDARIES ARE PICTORAL AND NOT INTENDED TO DEFINE GEOGRAPHIC AREAS.  
 PARCEL DEPICTION AS REPRESENTED ON TAXMAPS  
 AND MAY VARY FROM DEED DESCRIPTION

Approved March 10, 2017  
 Town Clerk \_\_\_\_\_ Date \_\_\_\_\_

## Article V - District Regulations

A. In each district, uses and conditional uses shall be those shown on the following table:

KEY: P = Permitted C = Conditional Use NP = Not Permitted

Land Use	Res	RF&F	Bus	B/I	Lake (LD)	Arrowhead Residence (LA)
Airplane Runways	P3	P	P	P	NP	NP
Antique Shops	C	P	P	P	C	NP
Automobile Graveyards*, Junkyards*	NP	NP	NP	NP	NP	NP
Bed & Breakfast*, Inn*	P2	C	P	NP	C	NP
Bulk Storage , Distribution, Dry Storage, Gas& Oil	C	C	C	C	NP	NP
Business Offices*	NP	P3	P	P	C	C
Campgrounds*	NP	C	NP	NP	C	NP
Cemeteries	P	P	NP	NP	NP	NP
Churches	P	P	P	P	NP	NP
Communication Towers*	C	C	C	P	C	C
Construction Trades*	NP	P	P	P	NP	NP
Daycare & Nursery Schools (A)*	C	C	P	P	C	C
Daycare & Nursery Schools (B)*	P	P	P	NP	C	C
Domestic Animal Services*	C	P	P	P	NP	NP
Farming	NP	P	P6	P	NP	NP
Financial Institutions*	NP	C	P	P	NP	NP
Flea Markets*	NP	C	P	P	NP	NP
Funeral Homes	P3	P3	P	P	NP	NP
Forestry Products Industry*	NP	P	P	P	NP	NP
Government/Municipal Facilities*	P	P	P	P	P	P
Home Occupations*	P	P	P	NP	C	C
Hospitals	NP	C	P	P	NP	NP
Housing for the Elderly*	C	C	P	NP	NP	NP
Kennels*, Exotic Animals & Animal Shelters	NP	C	C	C	NP	NP
Lawyer's Office, Law Real Estate & Insurance Office	P3	P	P	P	NP	C
Manufacturing*	NP	C	C	P	NP	NP
Marijuana – Retail Cultivation Facilities**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Products Manufacturing Facilities**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Stores**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Testing Facilities**	NP	NP	NP	NP	NP	NP
Marijuana Testing Facilities**	NP	NP	NP	NP	NP	NP
Marinas	C	C	P	P	C	C
Medical Marijuana Medical Provider	NP	NP	P	NP	NP	NP
Medical Marijuana Cultivation Facility	NP	NP	P	NP	NP	NP

Land Use	Res	RF&F	Bus	B/I	Lake (LD)	Arrowhead Residence (LA)
Mining & Quarrying	NP	P	NP	P	NP	NP
Mobile Classroom*	C	C	C	C	C	NP
Mobile Home Parks*	C	P	NP	NP	NP	NP
Motels*	P2	C	P	NP	C	NP
Motor Vehicle Repair & Service Facilities*	NP	C	P	P	C	C
Nursing Homes* & Health Care Facilities	C	C	P	NP	NP	NP
Multi-Family Residential Buildings*	NP	NP	P	NP	NP	NP
Personal Services Establishment*	P	P	P	P	NP	C
Physicians, Dentist & Optometrists	P3	P	P	P	NP	NP
Processing Facilities*	NP	C	P	P	NP	NP
Public Sewage Collection Inceptor Treatment Disposal Syst.	NP	P	P	P	NP	NP
Recreation Facilities (indoor & outdoor)*	C	C	P	P	C	C
Redemption Center (Bottle & Can)	NP	C	P	P	NP	NP
Restaurants & Take Out Foods	C	P	P	P	NP	NP
Retail Businesses*	C	C	P	P	C	NP
Schools	C	C	C	P	C	C
Seasonal Residences*	P	P	P	NP	P	P
Single-family Residences*	P	P	P	NP	P4	P5
Slaughter House	NP	C	P	P	NP	NP
Small Engine Repair & Sales (snowmobile, ATV & Lawn Equip.)	NP	C	P	P	C	C
Solar Farm	NP	C	NP	NP	NP	NP
Theaters, Halls, Clubs & Night Clubs	NP	C	P	P	NP	NP
Transportation Services* (less than 5 employees)	NP	P	P	P	NP	NP
Transportation Services*(5 or more)	NP	C	P	P	NP	NP
Two-family Residences (Duplex*)	C	NP	P	NP	NP	NP
Used/New Car Lots	NP	C1	P1	P1	NP	NP
Veterinarians	NP	P	P	P	NP	NP
Warehousing	NP	P	P	P	NP	NP
Wholesale Business	NP	C	P	P	NP	NP

\* Definition provided in Article II.

\*\* these uses are not allowed as principal or accessory uses



### Key for Land Use Chart

1. Requires permit from Selectmen.
2. An area of 162 square feet (including a bay measuring 9' x 18') shall be considered sufficient for each automobile parking space. Parking areas with more than 2 parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled.
3. Any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 162 square feet of building floor area used for business.
4. Minimum lot area of 22,500 square feet.
5. Lot of Record: A lot shown on the plan entitled: Plan of Lake Arrowhead Estates, Section 1, Prepared by Wright, Pierce, Barnes and Wyman, and recorded in the York County Registry of Deeds in Plan Book 50, Page 12, that has been in separate ownership and has not been contiguous with any other lot under the same ownership at any time since the date of recording of that plan. If two or more contiguous lots are in the same ownership of record, they shall be considered to be a single parcel and shall not be divided except in compliance with the requirements for new lots, except that contiguous lots under the same ownership, each of which was improved with existing principal residential structure prior to July 1, 2013 and does not separately meet the lot requirements for new lots, may be divided without a variance, provided that the improved lots are divided in a manner that meets the other applicable dimensional requirements to the greatest extent possible as determined by the CEO.
6. Agronomy permitted

**B. Dimensional Requirements.**

All lots created and buildings erected after the effective date of this ordinance shall meet the following minimum requirements.

<b>District:</b>	<b>Minimum</b>	<b>Minimum</b>	<b>Minimum</b>	<b>Minimum</b>	<b>Minimum</b>
	<b>Lot area</b>	<b>Road</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
		<b>Frontage</b>	<b>Setback</b>	<b>Setback</b>	<b>Setback</b>
	<b>(Sq. ft.)</b>	<b>(feet )</b>	<b>(feet)</b>	<b>(feet)</b>	<b>(feet)</b>
<b>Residential:</b>					
On public water and sewer	22,500	100	15	10	20
On site water and/or sewer	62,500	175	15	10	20
<b>Lake District</b>					
Seasonal Use Only	20,000	100	15	10	20
Year-round use-off site water	35,000	100	15	10	20
Year-round use-on site water	62,500	100	15	10	20
<b>Arrowhead Residence District</b>					
Lots of Record under					
Separate Ownership	20,000	100	15	10	20
Year Round-off site water	20,000	100	15	10	20
Year Round –on site water	62,500	100	15	10	20
<b>Residential, Farm &amp; Forest:</b>					
On public water and sewer	35,000	175	15	10	20
On site water and/or sewer	62,500	175	15	10	20
<b>Business:</b>					
On public water and sewer	22,500	100	15	10	20
On site water and/or sewer	62,500	175	15	10	20
<b>Business/Industrial:</b>					
On public water and sewer	22,500	100	25	10	20
On site water and/or sewer	65,500	175	25	10	20

## Article VI: Administration

### 6.A Building Permits

#### 6.A.1 Permit Not Required

Only the following activities shall not require a building permit: repairs, replacement, and/or normal maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with Federal, State or local laws and does not involve any other physical modifications or changes requiring a permit under this Ordinance.

**6.A.1.1** A permit is not required for the replacement of an existing road culvert as long as:

1.1.A. The replacement culvert is not more than 25% longer than

1.1.B. The replacement culvert is not longer than seventy-five (75) feet; and

1.1.C. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

**6.A.1.2** 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 I or level 2 approved list and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

#### 6.A.2 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 non-conforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site and posted so that it is visible from the street while the work authorized by the permit is performed.

#### 6.A.4 Plumbing permits are required.

**6.A.4.1** No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the owner or agent in conformance with the Maine State Plumbing Code.

**6.A.4.2** No building permit for a new residential or commercial building shall be issued without first being issued a subsurface wastewater disposal system permit in conformance with the State Plumbing Code.

**6.A.5** Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

## **6.B Permit Application**

**6.A.6** Every applicant for a permit shall submit a written application which shall include the following information:

### **6.A.7**

- a. Structures to be erected, structures to be moved, alterations to the framing of an existing structure, creating living space in attics or basements, and exterior additions to existing structures.
- b. The shape, size and location of the lot for which application is made.
- c. The shape, size and location on the lot of the proposed structure, and of any proposed additions to existing structures.
- d. The shape, size and location of any other existing structure on the lot.
- e. The location of adjacent structures on adjacent lots, with reference to the distance from the lot line.
- f. 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 sewerage disposal system.

### **6.B.2. All applications shall also include:**

- a. The name and address of the property owner.
- b. The name, address and telephone number of the person, firm, or firms involved in the construction the property.
- c. The value of the proposed construction.
- d. A statement of the proposed use for any new or moved structure or altered portion of an existing structure.
- e. Any other information the applicant wishes to furnish.
- f. Any other information requested by the Code Enforcement Officer to make the application intelligible and to determine whether the proposed construction will conform to this Ordinance, other local ordinances and State law. 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.
- g. A certification that the information in the application is complete and correct to the best of the applicant's knowledge and belief.

- h. A residential growth permit issued by the Code Enforcement Officer with any application for a permit for a new residential dwelling unit.

**6.B.3. All applications shall be signed:**

- a. By the person or firm to do the work; and
- b. By the owner or individual who can show evidence of rights, 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.

**6.B.4.** All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.

**6.B.5. Procedure for Administering Permits:**

**6.B.5.1** Within thirty-five (35) days of receiving a written application, the Planning Board or Code Enforcement Officer, as appropriate, 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 Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (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 thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or with thirty-five (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.

**6.B.5.2** When an application conforms to the provisions of this Ordinance and other codes and ordinances of the town, upon payment of the required fee, the Code Enforcement Officer shall, within ten (10) days of its receipt, issue the permit, shall notify the Tax Assessor, and keep a copy of the application/permit in a permanent file.

**6.B.5.3** If the application does not conform, the Planning Board or Code Enforcement Officer shall, within ten (10) days, deny the permit in writing, stating therein his reasons for such denial. In the event the proposed building or structure is so constructed or is of such usage as to require a review of the application by other authorities or boards, as determined by reference to the land-use regulation file, the Code Enforcement Officer shall refer the applicant to the appropriate authority or board for review, approval or denial. Upon his receipt of the decision of the reviewing authority or board, in writing, and if such decision is an approval, the Code Enforcement Officer shall issue the permit with any conditions prescribed by the reviewing authority or board. The Code Enforcement Officer shall not issue any building permit if he has knowledge that a particular structure would be located in an unapproved subdivision, and/or if he has knowledge that the structure would be in violation of a particular State law for which the municipality has enforcement responsibilities, or local ordinance. In denying any permit under these circumstances, the Code Enforcement Officer shall state in writing the reasons for the denial.

**6.B.5.4** The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

**6.B.5.5** The following criteria shall apply only in Shoreland Zoning:

After the submission of a complete application to the Planning Board, the Planning Board shall approve the application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

**6.B.5.5.1** Will maintain safe and healthful conditions;

**6.B.5.5.2** Will not result in water pollution, erosion, or sedimentation to surface waters;

**6.B.5.5.3** Will adequately provide for disposal of all wastewater;

**6.B.5.5.4** Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

**6.B.5.5.5** Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

**6.B.5.5.6** Will protect archaeological and historic resources as designated in the Comprehensive Plan;

**6.B.5.5.7** Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Marine Activities district;

**6.B.5.5.8** Will avoid problems associated with floodplain development and use; and

**6.B.5.5.9** Is in conformance with the provisions of Article 7, Land Use Standards.

**6.B.6.** 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.

**6.B.8** Unless the applicant picks up the building permit within thirty (30) days after the Code Enforcement Officer notifies the applicant that it has been approved, the permit shall become void.

**6.B.9** Following the issuance of a building permit, other than one granted for a residence to be located in an approved subdivision, if no substantial start is made on the construction within three (3) months of the date of the permit, and no extension of that time has been granted by the Code Enforcement Officer due to adverse weather conditions, the permit shall lapse and become void. Thereafter no further work on such construction can be made until a

new application has been made and approved as aforesaid. The fee for such permit shall be charged as a renewal fee.

**6.B.10** Any permit issued which is not in conformity with the provisions of this ordinance confers no rights and is void

**6.B.11** No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that the installation has been completed.

### **6.C Certificate of Occupancy Required**

**6.C.1.** A Certificate of Occupancy issued by the Code Enforcement Officer is required in advance of the use or occupancy of:

**6.C.1.a.** Any lot or change of the use thereof.

**6.C.1.b.** A structure hereafter erected or a change in the use of an existing structure, or as the building code requires

**6.C.2** No Certificate of Occupancy shall be issued unless the lot or building or structure complies with all the provisions of this Ordinance, and of the current edition of the Maine Uniform Building and Energy Code, which is incorporated herein by reference. A record of all Certificates of Occupancy shall be kept on file in the office of the Code Enforcement Officer, and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the structure or a duplicate copy shall be filed in the office of the tax assessor and the certificate of occupancy shall state specifically the uses which it permits.

**6.C.3** No Certificate of Occupancy shall be issued until a house number is properly placed in accordance with current 911 standards.

### **6.D. Conditional Use Permits**

#### **6.D.1 Authorization**

The Planning Board is hereby authorized to hear and decide upon applications for Conditional Use Permits, in accordance with State law and the provisions of this ordinance. The Board shall approve, approve with modifications or conditions, or disapprove an application for a Conditional Use Permit. No Conditional Use Permit shall be authorized unless specific provision for such conditional use is made in this Ordinance

#### **6.D.2 Existing Conditional Use or Structure**

A conditional use which existed prior to the effective date of this Ordinance may not be changed to another conditional use nor substantially expanded or altered except in

conformity with all regulations of this Ordinance pertaining to conditional uses, no changes shall be made in any approved conditional use without approval of the change by the Planning Board.

### **6.D.3 Application Procedure**

A person informed by the Code Enforcement Officer that a proposed use requires a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for the purpose. All plans for conditional uses presented for approval under this section shall show the following information unless the Planning Board waives these requirements:

#### **6.D.3.A General**

**6.D.3.A.1** The name and address of the applicant (or his authorized agent).

**6.D.3.A.2** The name of the proposed development.

**6.D.3.A.3** A copy of the deed or record of ownership.

**6.D.3.A.4** The assessor's map and lot number.

**6.D.3.A.5** Names and addresses of owners of all property within two hundred (200) feet of the subject property's

**6.D.3.A.6** A sketch plan showing the general location of the site within the Town.

**6.D.3.A.7** Names of all abutting property owners shown on sketch plan.

#### **6.D.3.B. Description**

**6.D.3.B.1** Total floor area

**6.D.3.B.2** Total ground coverage

**6.D.3.B.3** Location, size and type of all existing and proposed buildings, structures, or additions, including;

- a. Height
- b. Driveways
- c. Sidewalks
- d. Parking areas
- e. Loading areas
- f. Open spaces
- g. Open drainage courses
- h. Signs
- i. Exterior lighting
- j. Service areas



- k. Easements
- l. Landscaping

**6.D.3.B.4** Perimeter survey of the parcel made and certified by a registered land surveyor licensed in Maine (drawn at a scale of not smaller than one (1) inch equals fifty (50) feet) showing:

- a. Reference points
- b. True north point
- c. Graphic scale
- d. Corners of parcel
- e. Date of survey
- f. Total acreage
- g. Lot area
- h. Road frontage

**6.D.3.C** The appropriate fees shall be paid to cover administrative and legal advertisement costs.

**6.D.3.D** Nine (9) copies (or other quantity if requested) shall be submitted to the Code Enforcement Officer at least two (2) weeks before a scheduled Planning Board meeting.

#### **6..E Public Hearing**

Following the filing of an application, and before taking action on any application, the Planning Board shall hold a public hearing on the application within thirty (30) days. The Board shall notify the Code Enforcement Officer and municipal officers, and shall publish notice of the time, place and subject matter of hearing at least ten (10) days in advance in a newspaper of general circulation in the area.

**6.E.1.** The Planning Board shall notify by regular U.S. mail, first class, postage prepaid, the applicant and the owners of all property within two hundred (200) feet of the property involved at least ten (10) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.

**6.E.2.** The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.

**6.E.3.** The Code Enforcement Officer, or his designated assistant, shall attend hearings and may present to the Planning Board all plans, photographs or other material he deems appropriate for an understanding of the application.

**6.E.4.** The Code Enforcement Officer, or his designated assistant, shall attend hearings and may present to the Planning Board all plans, photographs or other material he deems appropriate for an understanding of the application.

**6.E.5. Projects needing Board of Appeals Review:**

When an applicant needs a variance from a requirement in this Ordinance before the Planning Board is able to approve the application as submitted, an appeal may be submitted to the Board of Appeals prior to final action by the Planning Board. If an appeal is filed with the Board of Appeals prior to the Planning Board making a final decision, the Planning Board shall table final action on the application pending the Board of Appeals' decision and shall notify the Board of Appeals of that action.

**6.F Decision**

**6.F.1** Within thirty (30) days of the public hearing the Planning Board shall reach a decision on a conditional use and shall inform, in writing, the applicant, the Code Enforcement Officer and municipal officers of its decision and shall prepare a detailed finding of facts and conclusions. Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Planning Board, or deny a Building Permit.

**6.F.2** A Conditional Use Permit secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within two (2) years of the date on which the conditional use is authorized.

**6.F.3** An appeal may be taken to Superior Court within forty-five (45) days after a decision is rendered.

**6.G Standards Applicable to Conditional Uses**

**6.G.1** It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met:

**6.G.1.A** The use will conserve shore cover and visual, as well as actual, access to water bodies.

**6.G.1.B** Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance.

**6.G.1.C** The site design is in conformance with all municipal flood hazard protection regulations.

**6.G.1.D** Adequate provision for the disposal of all waste water and solid waste has been made.

**6.G.1.E** Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.

- 6.G.1.F A storm water drainage system meeting State standards shall be installed.
- 6.G.1.G Adequate provisions to control soil erosion and sedimentation have been made.
- 6.G.1.H There is adequate water supply to meet the demands of the proposed use and for fire protection purposes.
- 6.G.1.I The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties, including public areas, from detrimental features of the development, such as noise, glare, fumes, dust, odor, adverse visual impact, and the like.
- 6.G.1.J All performance standards in this Ordinance, applicable to the proposed use will be met.
- 6.G.1.K The use will not result in unsafe or unhealthful conditions.
- 6.G.1.L The use will not have an adverse impact on natural Beauty, historic sites, or rare and irreplaceable natural areas.

**6.H Conditions Attached to Conditional Uses**

- 6.H.1 Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required in this Ordinance that it finds necessary to further the purposes of this Ordinance.
- 6.H.2 Violation of any of these conditions shall be a violation of this Ordinance.
- 6.H.3 Such conditions may include, but are not limited to, specifications for:
  - 6.H.3.A Type of vegetation;
  - 6.H.3.B Increased setbacks and yards;
  - 6.H.3.C Specified sewage disposal and water supply facilities;
  - 6.H.3.D Landscaping and planting screens;
  - 6.H.3.E Period of operation;
  - 6.H.3.F Operational controls;
  - 6.H.3.G Professional inspection and maintenance;
  - 6.H.3.H Sureties;

- 6.H.3.I** Deed restrictions,
- 6.H.3.J** Restrictive covenants
- 6.H.3.K** Locations of piers, docks, parking and signs;
- 6.H.3.L** Type of construction;
- 6.H.3.M** Any other conditions necessary to fulfill the purposes of this Ordinance.
- 6.H.4** In evaluating each application, the Planning Board may request the assistance of the County Soil and Water Conservation District, a State or Federal agency, or consultant which can provide technical assistance.

**6.I Performance Guarantees**

**6.I.1** At the time of approval of the application for conditional use, the Planning Board may require the applicant to tender either:

**6.I.1.A** A certified check payable to the Town of Limerick;

**6.I.1.B** An irrevocable letter of credit from a lending institution, or;

**6.I.1.C** A performance bond payable to the Town of Limerick issued by a surety company in an amount adequate to cover the total costs of all required improvements, taking into account the time-span of the bond and the effects of inflation upon cost.

**6.I.2** The conditions and amount of the certified check or performance bond shall be determined by the Board of Selectmen.

**6.I.3** Prior to the release of any part of or the entire performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the engineer hired by the town to inspect the development and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

Any interest accumulated on an escrow account shall be returned with any money owed by the town to the developer after it has been determined that the proposed improvements meet all design and construction requirements.

**6.I.4** If the appointed engineer finds, upon inspection of the improvements performed before release of the guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, he shall so report to the Planning Board and Code Enforcement Officer.

The Planning Board shall then notify the applicant, and, if necessary, the bonding company or lending institution, and take all necessary steps to preserve the town's rights under guarantee.

**6.I.5** Performance guarantees, when required, shall be tendered for all improvements required under this Ordinance, including but not limited to:

**6.I.5.A** Sidewalks

**6.I.5.B** Drainage facilities

**6.I.5.C** Parking areas

**6.I.5.D** Lighting

**6.I.5.E** Signs

**6.I.5.F** Landscaping

**6.I.5.G** Buffer areas

**6.J Site Review**

**6.J.1** Additional performance standards and specific submission requirements for new or expanded commercial, industrial, and multi-family housing structures of three (3) or more units. Exempt from this section will be all single family and two- family residential structures.

Site Plan Review, in accordance with the provisions of this Ordinance, shall be required for the following activities before a building permit may be issued;

**6.J.1.A** New construction with at least two thousand (2000) square feet of gross first floor area.

**6.J.1.B** Additions to existing structures of at least two thousand (2000) square feet of gross floor area.

**6.J.1.C** Creation of impervious surfaces of at least two thousand (2000) square feet.

**6.J.1.D** Creation of un-vegetated surfaces of at least two thousand (2000) square feet excluding impervious surfaces.

**6.J.2** Site Plan Review shall be conducted by the Planning Board in concert with all other requirements of this Ordinance as well as any other requirements which may be applicable.

**6.J.3** Review may *be* conducted as one application along with application for conditional use.

**6.J.4** Construction, site development, and landscaping shall be carried out in accordance with the plans, sketches, drawings, and other documents approved by the Planning Board, unless amended with Planning Board approval.

**6.J.5** Nothing in this section shall be construed to prevent the ordinary repair and improvement of existing structures and facilities.

**6.J.6** If the development requires action by the Board of Appeals or any other government

authority, Planning Board review shall not commence until all other applications and decisions have been made.

- 6.J.7** Failure to comply with any conditions of the Site Plan Review, subsequent to approval, shall be grounds for revoking the approval, initiating legal proceedings to enjoin the construction or any specific activity violating the conditions of approval, or imposing such fines as the municipal officers shall have established for violations of this Ordinance, for each day that the violation continues to exist after official notification by the Code Enforcement Officer.

**6.K Submission Requirements**

When the owner of the property or an authorized agent of the owner makes formal application for Site Plan Review, the application package shall contain at least the following exhibits and information:

- 6.K.1** All application procedure requirements for a Conditional Use Permit.
- 6.K.2** A complete, signed copy of the application for Site Plan Review.
- 6.K.3** At least nine (9) copies of the site plan drawn at a scale sufficient to allow review of all performance standards required in this Ordinance, but not more than fifty (50) feet to the inch for that portion of the total tract being proposed for the development, showing the following:
- 6.K.3.1** Owner's name, address, and signature;
- 6.K.3.2** Names and addresses of owners of all property within two hundred (200) feet of the subject property's boundaries;
- 6.K.3.3** Sketch map showing the general location of the site within the Town;
- 6.K.3.4** Boundaries of all contiguous property under the control of the applicant, regardless of whether it is part of the development or not;
- 6.K.3.5** The lot area of the parcel and the road frontage;
- 6.K.3.6** The location, size, and type of all existing and proposed structures, including: height, driveways, sidewalks, parking areas, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping;
- 6.K.3.7** Existing and proposed topography of the site at two-foot contour levels if major changes are to be made to the existing topography; and
- 6.K.3.8** A storm-water drainage plan showing:
- a) The existing and proposed method of handling storm water run-off;
  - b) The direction of flow of the run off by uses of arrows;
  - c) The location, size, and elevation of all catch basins, dry wells, drainage ditches, swales,

retention basins, and storm drains;

- d) A septic plan showing the location of waste water disposal devices and water supply sources;
- e) A landscaping schedule keyed to the site plan, indicating the sizes, types, and location of all plants and other landscaping elements to be planted to the site;
- f) Copies of any proposed or existing easements, covenants, deed restrictions, etc.

## **6.L Administration**

**6.L.1** The following procedures and requirements shall apply to all applications for Site Plan Review:

- 6.L.1.1** All applications for Site Plan Review shall be made in writing to the Planning Board on the forms provided for that purpose. The application shall be made by the owner of the property or by the owner's authorized agent, as designated in writing by the owner, and shall be accompanied by the payment of an application fee for Site Plan Review, to the Town of Limerick to cover administrative costs of processing the application.
- 6.L.1.2** Prior to formal application, an owner or agent may request an informal review of the site plan by the Planning Board to determine its compliance with Town regulations.
- 6.L.1.3** The completed application with the required documentation shall be placed on the Planning Board agenda for consideration within thirty (30) days of its receipt.
- 6.L.1.4** Any application which is not complete, shall be sent back to the applicant with an indication of the additional information needed.
- 6.L.1.5** Prior to taking final action on any Site Plan Review application, the Planning Board shall, within thirty (30) days hold a public hearing to afford the public the opportunity to comment on the application.
- 6.L.1.6** Notice of the nature of the application and of the time and location of the hearing shall be given by mail to the applicant and owners of all property within two hundred (200) feet of the property involved, at least ten (10) days in advance of the hearing, and shall be published at least seven (7) days in advance in a newspaper of general circulation in the area.
- 6.L.1.7** The owners of property shall be considered to be those against whom taxes are assessed.
- 6.L.1.8** Failure of any property owner to receive a notice shall not necessitate another hearing unless the property was not listed on the submitted application.
- 6.L.1.9** Failure of any property owner to receive a notice shall not invalidate any action by the Planning Board.
- 6.L.1.10** Within sixty (60) days of the receipt of a completed application, the Planning Board shall act to approve, disapprove, or approve with conditions, the site plan as submitted or amended, unless the applicant and the Planning Board agree to a continuance.
- 6.L.1.11** If the Planning Board does not act upon the application, the site plan shall be deemed to

have been disapproved.

- 6.L.1.12** If the Planning Board shall vote to disapprove the application, the applicant shall be notified in writing and the specific cause for disapproval shall be noted.
- 6.L.1.13** The Planning Board may attach such conditions as it finds necessary to ensure compliance with the purpose and *standards* of this Ordinance. Requests for changes in the conditions of approval require Planning Board review under the provisions of this section.
- 6.L.1.14** The Planning Board may require that an expert consultant review one or more submissions of an application and report as to the compliance or non-compliance with this Ordinance, and advise, if necessary, of procedures which will result in compliance. The consultant shall be properly qualified to provide this information, and shall be agreed upon by the Planning Board and the applicant mutually. The applicant shall maintain responsibility for all costs incurred for the use of these consultants.
- 6.L.1.15** The Planning Board may require the applicant to undertake any study which it deems necessary and reasonable to ensure that the requirements of this Ordinance are met. The costs of all such studies shall be borne by the applicant.
- 6.L.1.16** One copy of the approved site plan shall be included in the application for a building permit.
- 6.M** The Planning Board may require the applicant to post, prior to final approval of any plan a bond, escrow agreement, irrevocable letter of credit, or other surety in such amount as is approved by the Planning Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as approved by the Planning Board.
- 6.N** A Certificate of Occupancy shall not be issued until the Code Enforcement Officer determines that the completed project meets all of the requirements of the plan as approved by the Planning Board



## Article VII - Performance Standards

### A. Multi-family and Two-family Residential Buildings, New and Existing

The following provisions shall apply to all multi-family and two-family residential buildings except as noted:

Review of multi-family and two-family residential buildings:

- I. When a conditional use permit is required, review is under the Limerick Zoning Ordinance, including the conditional use provisions. Multi-family residential buildings will also be reviewed under the Planning Board Standards for Reviewing Land Subdivision.
  - ii. When a permitted use, review is under the Limerick Zoning Ordinance, excluding the conditional use provisions. If the proposed use is one or more multi-family buildings, review will also be under the Planning Board Standards for Reviewing Land Subdivision.
  - iii. Financial ability to construct a new multi-family or two-family residential building or to convert an existing structure into a multi-family or two-family residential building shall be proven at the sketch plan phase of application.
1. **Site Plan.** All applicants shall submit a site plan to the Planning Board at a scale of not more than 1" - 20' showing locations of principal and accessory structures, location and layout of parking, driveways, all turn radii, and road intersection radii, provisions for snow and rubbish removal, buffering, screening, and surface drainage, and provisions for playground, recreation or open space. If the complete site cannot be shown on one plan at this scale, then an additional plan at scale 1" - 50' shall be submitted. A site location map at a scale of not more than 1" - 500' shall also be submitted.
  2. **Fire Safety.** All multi-family residential buildings shall be located within five hundred (500) feet of an NFPA hydrant, as hose is laid on the street from the hydrant, and shall be sprinklered in accordance with NFPA standards and furnished with an NFPA approved fire alarm system.
  3. **Surface Water Runoff.** Surface water runoff shall be minimized and detained on-site if possible and practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained to the extent possible.
  4. **Lighting.** Outdoor lighting shall be positioned and/or shielded in order to deflect bright light or glare away from neighboring residential properties.
  5. **Maintenance; etc.** It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance.

6. **Parking.** Multi-family or two-family-residential buildings shall not be constructed or enlarged (in terms of adding dwelling units) unless one paved off-street car parking space is provided for each bedroom, except that one paved car parking space shall be required for each dwelling unit within designated housing for the elderly.

An area measuring 9' x 18' shall be considered sufficient for each automobile parking space. Parking areas with more than two (2) parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled. Parking spaces shall be provided as required, and made available for use before a final inspection is completed by the Building Inspector. An extension of one year may be granted by the Building Inspector, provided a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Building Inspector and provided the parking space is not required for immediate use. In the event the improvements are not completed within the specified time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the town.

7. **Accessory Buildings.** Garages or other accessory buildings shall not be located between the multi-family or two-family residential buildings and the front lot line. Accessory buildings shall be located so as not to inhibit the access of emergency vehicles and fire apparatus to any side of a residential building.
8. **Access.** The proposed development shall provide for safe access to and from public and private roads.
  - a. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distance, intersections, schools and other traffic generators. No off-street parking area shall have more than two (2) openings onto the same street, each opening not to exceed twenty-four (24) feet in width.
  - b. All corner lots shall be kept clear from visual obstructions higher than three (3) feet above ground level, for a distance of twenty-five (25) feet measured along the intersecting street lines.
  - c. The proposed development shall not have an unreasonable adverse impact on the town road system, and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.
9. **Buffers.** All buffer areas shall be maintained in a tidy and sanitary condition by the property owner.
10. **Recreational Space.** An additional 7,200 sq. ft. of open space shall be added to the land requirements for every ten (10) bedrooms. This land shall be set aside for recreational space with a finish grade between 1.5% to 3%. Arrangements for

maintenance shall be specified on the plan or in a separate document for review and approval by the Planning Board.

**B. New Construction of Multi-Family or Two-Family Residential Buildings.**

The following additional standards shall apply to all new construction of multi-family or two-family residential buildings:

1. Dimensional standards.
  - a. A maximum of four dwelling units shall be permitted in any single building.
  - b. Lot size shall be the larger of: 85,000 sq. feet or 6,000 sq. ft. per bedroom for each dwelling unit. Buffers, easements, rights-of-way, designated recreational open spaces and other land not suitable for development shall not be used in the above calculation.
  - c. The maximum height of new construction shall be thirty-five (35) feet from the average grade of the grounds at the foundation.
  - d. Front, rear and side setbacks shall be forty (40) feet minimum and include a twenty (20) foot buffer. If the front setback is increased to provide parking area, the width and landscaping of a front buffer shall be negotiated with the Planning Board.
  - e. Structures containing multi-family or two-family dwelling units shall be located at least fifty (50) feet apart from each other, and fifty (50) feet from structures on adjacent lots.
2. Parking. Required off-street parking for all new construction shall be located on the same lot as the principal building or facility or within one hundred (100) feet measured along lines of access as defined in Article III(E).
3. Orientation. New multi-family or two-family residential buildings shall be orientated with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with the overall plan for site development landscaping.
4. Erosion Control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following soil and water conservation "best-management" practices.
  - a. Stripping of vegetation, soil removal, and regrading or other development shall be minimized as far as is practicable, and shall be done in such a way as to minimize erosion.
  - b. The duration of exposure of the disturbed area shall be kept to a practical minimum.

- c. Adequate vegetation and/or mulching shall be used to protect exposed critical areas during prolonged development.
- d. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.
- e. During grading operations, methods of dust control shall be employed.

**C. Standards for Existing Multi-Family or Two-Family Structures.**

The following additional standards shall apply to the proposed uses of an existing structure as a multi-family or two-family residential building.

- 1. Dimensional standards.
  - a. Side and rear lot-line setbacks shall be twenty-five (25) feet, and the front setback shall be ten (10) feet.
  - b. The maximum number of dwelling units to be permitted within a multi-family residential building shall be determined by the available land area for open space and parking but shall not exceed four.
- 2. Parking. Where residential off-street parking cannot reasonably be provided on the same lot, the Planning Board may authorize its provision on another lot within three hundred (300) feet of the existing structure. Such parking areas shall be held under the same ownership as the residential uses served, and shall be permanently dedicated to such use with a recordable document acceptable to the Planning Board.

**D. Signs.**

- 1. Signs relating to goods and services sold on the premises shall not exceed thirty-two (32) square feet in area, and shall not exceed two (2) signs per premises. Two-sided signs shall be considered as two separate signs.
- 2. Signs relating to goods and services not rendered on the premises require a permit issued by the CEO. Such signs must comply with all applicable provisions within Article VI.D.
- 3. Signs related to agricultural sale of products on and off premises are governed per MRSA, Title 23, Section 1913-A, Paragraph 2g.
- 4. Name signs shall be permitted, provided such sign shall not exceed two (2) signs per premises.

5. Residential users may display signs not more than four (4) square feet in area relating to the sale, rental or lease of the premises.
6. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two (2) square feet in area.
7. No sign shall extend higher than twenty (20) feet above the ground.
8. Signs may be illuminated only by shielded, non-flashing lights.
9. No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard. No sign shall reduce the sight distance from any driveway, road or street below a distance of ten (10) feet for every mile per hour of the posted speed limit, Sight distance shall be measured from the driver's side of an exit lane ten (10) feet behind the curb or edge of shoulder line with the height of the eye ranging from three point-five (3.5) to six (6) feet above the pavement.
10. The following non-illuminated signs are permitted in all districts without a permit:
  - a. Signs for the control of traffic, street signs, signs indicating danger;
  - b. Signs identifying public schools and government buildings;
  - c. Political signs of less than twenty (20) square feet relating to an election, primary or referendum provided that these signs may be erected no more than six (6) weeks before voting day, and must be removed no later than one (1) week thereafter;
  - d. One (1) contractor's sign up to six (6) square feet is allowed on a property on which the contractor is performing work. The sign may identify the contractor's name, address, and a phone number. A contractor's sign shall be removed within twenty (20) days of the completion of the job.
11. The following signs are permitted in all districts upon obtaining a sign permit from the Code Enforcement Officer:
  - a. One (1) sign not exceeding twenty (20) square feet in area at each entrance from a street to identify a residential subdivision or multi-family development;
  - b. One (1) sign not exceeding twenty (20) square feet in area, which identifies a building such as a school, fire station, church or business other than a home business;
  - c. One (1) freestanding, one or two sided, sign not to exceed twenty-five (25) square feet shall be allowed on a lot;
  - d. One (1) building mounted sign not to exceed ten (10) square feet may be mounted on each building face having a customer entrance;
  - e. One (1) free-standing sign, either one or two-sided, not to exceed fifty (50) square feet may be located at the entrance road to an industrial park or business subdivision for the identification of the park and its occupants;
  - f. Frame or trailer mounted signs are allowed for one hundred twenty (120) consecutive days once a year.

12. Variances from these provisions may be granted by the Board of Appeals only in cases where the sign or signs in question have cultural or historic significance, and aesthetically enhance the appearance of the Town of Limerick.

**E. Mobile Home Parks**

1. Licenses:
  - a. No person, firm or corporation shall establish or maintain a mobile home park within the town of Limerick without a license issued in conformity with the provisions of this Ordinance. A mobile home park existing prior to the adoption of this Ordinance is required to conform only with the licensing and fee requirements of this Ordinance, unless it has been commercially inactive for two (2) or more years in which case all the relevant provisions of this Ordinance must be met before a license may be issued. All new extensions to mobile home parks shall be required to meet the provisions of this Ordinance. Any increase in the number of mobile home lots shall be deemed an “extension” of said use, even if the outer boundaries of the premises are not proposed to be enlarged.
  - b. Application for a mobile home park license shall be filed with the Planning Board for review as a subdivision, except that applications for license renewals are not subject to Planning Board review. The Planning Board shall review plans of the proposal and approve, approve with conditions, or deny approval of the proposal on the basis of standards contained herein and as contained in the Subdivision Regulations of the Planning Board. The Planning Board shall inform the Selectmen of its decision in writing and they shall act on the application.
  - c. Each application for a mobile home park license shall be accompanied by a fee of one hundred dollars (\$100.00). Each application for a license renewal shall be accompanied by a fee of twenty-five dollars (\$25.00). Each such license shall expire on the last day of April next following the date of issuance. Before any license shall be renewed, the premises shall be inspected by the Health Officer and the Selectmen. If they find that all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify the same, and the Selectmen shall issue the license.
  - d. Such licenses shall be posted at all times at the mobile home park entrance or office and shall not be transferable.
  - e. Upon receipt of a written request from either the Health Officer or the Selectmen, the Planning Board is authorized to revoke any license issued pursuant to the terms of this Ordinance if, after due investigation, they determine the holder hereof has violated any of the provisions of this or any applicable code, law or statute.

2. Density of Development
  - a. The area of a mobile home park shall have provision for at least ten (10) mobile homes.
  - b. Each mobile home park shall contain lots measuring 100' roadside by 200' depth, exclusive of roads and open spaces.
3. Utility Services and Site Management
  - a. Sanitary Facilities: All provisions of the Maine Department of Human Services, Division of Health Engineering, must be met in planning of sanitary facilities.
  - b. Solid Waste Disposal: The management shall dispose of refuse at least once a week.
  - c. Streets and Parking:
    - i. All roads shall be constructed to the standards contained in the Limerick Subdivision Standards, except that the paved width of the roads shall be 30' including sidewalks at the same level.
    - ii. There shall be at least two (2) off-street parking spaces for each mobile home lot.
  - d. Underground Utilities: All electrical, telephone, or cable television distribution lines shall be installed underground. Electrical lines shall be buried to a minimum depth of twenty-four (24) inches, and telephone and cable television lines shall be buried at least eighteen (18) inches.

4. Construction Standards:

Mobile home parks shall be constructed and installed in accordance with the following minimum standards and in accordance with all sections of this Code Ordinance. Mobile home parks shall provide specific areas for the location and development of mobile homes, as defined in this Ordinance.

- a. Pads: Each pad or stand, for foundation purposes, shall consist of reinforced concrete sufficiently adequate to support the weight of a mobile home without movement due to frost heaving or settling. Suitable tie-downs shall be installed and secured to each mobile home.
- b. Sewage Disposal: Each pad shall be equipped with a three (3) inch inside diameter sewage line extending at least six (6) inches above the pad and being

capable of being securely sealed when not in use. Sewage systems must conform to the Plumbing Code and the MRSA.

- c. Water Supply: Each individual mobile home stand shall be provided with a five (5) foot deep manhole three (3) feet in diameter, containing a 3/4" water pipe with an adequate shut-off valve. If an adequate public supply of water is available within eight hundred (800) feet of a mobile home park, such supply must be used, subject to an engineering feasibility study. If no public water supply is available, a central water system must be provided by the owner. Water systems shall be capable of delivering two hundred fifty (250) gallons per day per lot.
- d. Electricity supply: The park electrical system or electrical equipment shall comply with all applicable state standards and regulations.
- e. Telephone: Each mobile home space shall be equipped with a telephone outlet.
- f. Street Lighting: Adequate street lights shall be placed and maintained along all roads every two hundred (200) feet, beginning at the entrance.
- g. Oil and Gas: All oil tanks shall be furnished and placed underground by the park owner. All gas tanks shall be securely fastened.
- h. Screened Storage: The licensee shall provide a separate screened storage area for the storage of major items or equipment owned by the tenants, such as boats, trailers, snowmobiles, etc.
- i. Fire Protection: A mobile home park shall provide suitable ingress and egress so that mobile homes may be readily serviced in emergency situations. An adequate source of water for fire protection shall be available at all times of occupancy.

## 5. Individual Mobile Home Spaces

- a. Where rear abutments of units are closer than sixty (60) feet, vegetation or other screening at least eight (8) feet in height shall be provided, and sites should be oriented to natural features, topography and drainage areas where appropriate.
- b. Each mobile home shall be skirted with fire resistant materials. All materials shall comply with the Fire Code of the State of Maine.
- c. All outside storage sheds shall be capable of being closed, shall be placed toward the rear of lots, and may be used as a screening device.



- d. All skirting, plus one storage shed, measuring a minimum of eight (8) feet by six (6) feet per site, shall be of uniform conventional construction materials.
  - e. All cabanas, carports, porches, extra rooms and other attached accessory structures shall comply with current zoning regulations.
  - f. All mobile homes and structures on separate lots shall be no closer than fifty (50) feet at any point. All mobile homes shall be set back at least fifty (50) feet from the street right-of-way.
6. **Occupancy:**  
No portion of a park shall be occupied until at least one-quarter of the mobile home spaces proposed in the mobile home park have been fully developed and are ready for use.
7. **Open Space and Recreation Requirements:**  
A mobile home park shall contain a minimum of one-half space or 10,000 square feet of open space per ten (10) lots.
8. **Responsibilities of Licensee:**  
The licensee of a mobile home parks shall be responsible for operating his or her respective park in accordance with all Town codes and ordinances and all State laws and regulations. The licensee shall be responsible for the maintenance of all open space areas, facilities, roads and utilities in a park, proper placement and stability of mobile homes, installation and hook-up of all utilities and skirting—and the plowing and maintenance of all roads and driveways within the mobile home park.

**F. Manufactured Housing.**

1. **Purpose**

The purposes of this section are to establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30-A MRSA, Section 4358, "Regulation of Manufactured Housing," to restrict the location of older mobile homes and trailers, to require that manufactured housing (the newer mobile homes and single-wide modulars) be compatible with site-built homes, and to provide opportunities for the location of affordable and safe housing within the community.

2. **Permit Requirements**

No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Limerick, or move a manufactured home from one lot or parcel of land to another, without a permit from the Building Inspector. The Building Inspector shall issue the permit within seven (7) days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this Ordinance.

3. Prohibitions

No person, firm, or corporation or other legal entity shall locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or manufactured home which fails to meet the requirements of Article VI.F.5, except in a mobile home park.

4. Non-Conforming Structures

Older mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Article VI.F.5, which were lawfully established prior to the effective date of this Ordinance, shall be considered non-conforming structures and may continue and may be maintained, repaired, improved and expanded. No non-conforming structure may be moved to another lot or parcel in the Town of Limerick, and no non-conforming structure may be replaced by another non-conforming structure but shall be replaced by a manufactured home that meets the requirements of this Ordinance. A non-conforming structure may be moved to a different location on the same lot or parcel of land.

5. Manufactured Housing Standards

All manufactured housing located in the Town of Limerick shall be at least fourteen (14) feet in width, shall contain at least seven hundred fifty (750) feet of living space, shall have a pitched, shingled roof and siding that is residential in appearance, and shall have a permanent foundation or pad. The foundation may include a poured or block frost wall, a paved pad and skirting material, or a full basement.

**G. Automobile Graveyards, and Junkyards**

No automobile graveyard or junkyard shall be maintained in the Town of Limerick except in accordance with the Limerick Zoning Ordinance, 30- A M.R.S.A. §§ 3751-3760 and any applicable State of Maine rules. The following additional provisions apply:

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.
2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.
3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations, and dismantled or stored vehicles from view of any dwelling or public right-of-way. Such vegetative screen shall have a mature height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species. The Planning Board may require construction of an eight (8) foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.

4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.
5. This section applies to those automobile graveyards and junkyards in existence prior to March 13, 2020.

## **H. Parking**

In the Business District, any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one (1) parking space for each one hundred sixty-two (162) square feet of building floor area used for business.

The purpose of this ordinance is to control and regulate parking of motor vehicles on Main Street, Limerick. The following provisions shall apply:

1. Parking by any motor vehicle in the same spot for more than two hours is prohibited.
2. Parking by any motor vehicle weighing more than  $\frac{3}{4}$  tons in the same spot for more than thirty minutes is prohibited.
3. Stopping or standing, especially by delivery vehicles, in the travel lanes of Main Street is prohibited.
4. Wrong parking, that is parking facing opposite the direction of travel of that side of the street, is prohibited.

The area covered by this ordinance is all of route 5, Main Street, between the Old Baptist Church and the Free Baptist Church.

## **I. Mobile Classrooms Regulations:**

Mobile Classrooms will not be allowed in the municipality which do not provide the following within the classroom:

1. A restroom
2. Drinking water
3. A temperature controlled environment.

All Classrooms must be equipped with:

4. \* An emergency fire warning system
5. \* Fire extinguishers
6. \* A communication system that operates in conjunction with the main building.

All mobile classrooms must be placed on a concrete slab and enclosed within the school area by a fence.

## **J. Communication Towers Ordinance**

### **1. Purpose and Intent:**

It is the express purpose of this ordinance to minimize the visual and environmental impacts of Communication Towers. It is the intent of this ordinance to be consistent with the State and federal law, particularly the Telecommunications Act of 1996 in that:

- a. It does not prohibit or have the effect of prohibiting the provision of Communications Towers;
- b. It is not intended to be used to unreasonably discriminate among providers of functionally equivalent services;
- c. It does not regulate Communication Towers on the basis of the environmental effect of radio frequency emissions to extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions; and
- d. It must comply with Article VII Conditional Uses when applicable per Article V District Regulations.

### **2. Dimensional Requirements:**

**Height:** Communication Towers shall be permitted to a maximum height of two hundred feet (200') above ground level (AGL) unless limited by Federal Aviation Administration in and around existing airports.

### **3. Setbacks:**

New Communication Towers shall be set back:

- a. at least one (1) times the height, plus fifty feet (50') from all boundaries of the site on which the facility is located; and
- b. at least three hundred feet (300') horizontally from any existing dwelling units.

### **4. Visual Buffer:**

A screen of plantings not less than twenty feet (20') in depth shall be permanently maintained as a visual barrier to conceal Communication Towers' ground operations from view of any dwelling or public ways. Such vegetative screen shall have a planting height of at least ten feet (10') or more and a mature height of not less than thirty feet (30') unless there is a natural wooded forest to meet these requirements.

### **5. Lighting:**

- a. No external lighting is permitted, except for manually or motion-sensor operated lights for use only when operating personnel are on site.
- b. Tower lighting is permitted if required by Federal Aviation Administration.

6. Fencing:

Security fencing shall be installed by the owner operator of any freestanding tower and shall be erected around the base and all accessory structures. All anchor points of the guy wires of a guyed tower shall also be fenced. Minimum fence height of eight feet (8') tall required.

7. Co-location:

Licensed carriers shall share Communication Tower and sites where feasible and appropriate, thereby reducing the number of Communication Towers that are stand-alone facilities. All applicants for Communication Tower shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

- a. A survey of all existing structures that may be feasible sites for co-locating Communication Towers facilities.
- b. Contact with all the other licensed carriers for commercial mobile radio services operating in the County.
- c. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and
- d. Personal Cell Service (PCS) Coverage maps are required.

8. Radio Frequency Radiation (RFR) Monitoring:

After the Communication Towers is operational, the applicant shall submit to the Town of Limerick, within ninety (90) days of beginning operations, and at annual intervals from the date of issuance of the permit, existing measurements of RFR from the Communication Towers. Such measurements shall be signed and certified by a Radio Frequency engineer, stating that RFR measurements are accurate and meet Federal Communications Commission Guidelines.

9. Inspection:

Inspection of communication towers by a licensed structural engineer shall be required to ensure structural integrity. Such inspections shall be at the owner's expense and required as follows:

- a. All towers-upon completion of construction.
- b. Monopole towers-at least once every ten (10) years.
- c. Self-support towers-at least once every five (5) years.
- d. Guyed towers-at least once every three (3) years.

The inspection report shall be provided to the Town of Limerick within thirty (30) days of its receipt by the tower owner. Based upon results of the inspection the Town may require the repair or removal of the communication tower.

10. Removal:

- a. Any Communication Towers which ceases to operate for a period of eighteen months shall give a letter of intent of future operations to the Town of Limerick or be removed at the expense of the applicant and/or its assigns.

- b. A Removal Bond to the Town of Limerick of sufficient funds to remove and dispose of the entire facility shall be required for the duration of the Communication Tower's existence.

11. Access Roads and Above Ground Utilities:

- a. Access roads shall be at minimum of fourteen feet (14') wide and a gravel road.
- b. Reasonable placed turnout(s) measuring four feet by forty feet (4'x40') may be required for emergency vehicles.
- c. A hammerhead turn is required.

12. Municipal:

- a. Space to be reserved on the tower for municipal's future communication purposes.
- b. Exact height to be negotiated in good faith.
- c. There will be no fees charged to the municipality for space on the tower.
- d. Municipality to supply all necessary supplies and equipment at its own expense.

**K. Accessory Dwelling Units:**

One (1) accessory dwelling unit shall be permitted on any property in all districts, which meet the following conditions:

- 1. The lot on which the accessory dwelling unit is situated meets all current dimensional requirements of the district.
- 2. The accessory dwelling shall contain no more than two (2) bedrooms, kitchen area, living room and a bathroom, and shall not exceed nine hundred (900) square feet of habitable floor area.
- 3. The unit must comply with applicable building codes, and expansion criteria of the Maine State Subsurface Wastewater rules.
- 4. Driveways longer than two hundred (200) feet must provide an adequate emergency vehicle turnaround.
- 5. On street parking will not be permitted. Additional parking and a turnaround space must be provided if needed.

**L. Home Occupation**

A structure, use, or activity listed as NP (not permitted) within a district in the Land Use Chart (Article V) shall not be permitted as a home occupation. The following standards apply to home occupations:

- 1. Except for signs as permitted by this ordinance, there shall be no external evidence of the occupation.
- 2. At least one member of the family occupying the premises must be engaged in the occupation.

3. There shall be no more than four employees engaged in the occupation, excluding family members.
4. The home occupation may utilize:
  - a. Not more than twenty percent (20%) of the dwelling unit floor area, provided that the (for purposes of this calculation, unfinished basement and attic spaces are not included);
  - b. Unfinished attic and basement spaces.; and
  - c. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit floor area as previously calculated.
5. Retail or other sales of merchandise produced or manufactured on the premises shall be considered a home occupation.
6. Except for excluding residential requirements, parking for a home occupation shall not exceed ten (10) spaces.
7. Home occupations that would have significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light glare or other causes that would be considered dangerous or a nuisance, disturbance or annoyance to a reasonable person are prohibited.

#### **M. New/Used Car Lots**

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.
2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.
3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations and dismantled or stored vehicles from view of any dwelling or public right-of-way. A natural buffer of trees shall have a height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species or construction of an eight (8) foot high fence, which shall blend harmoniously with its environs, in such cases where trees is not feasible, desirable or effective.
4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

## **N. Marijuana**

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs are expressly prohibited as either a principal use or an accessory use in the Town of Limerick.

No person or organization shall develop or operate a business that engages in retail sales of marijuana or any retail marijuana product, both as defined by 7 M.R.S.A. § 2442.

This prohibition does not include the growing or distribution of Medical Marijuana as allowed by 22 M.R.S.A. Chapter 558-C. It also does not include personal use of marijuana or home cultivation of marijuana for personal use as allowed by 7 M.R.S.A. § 2452.

### **Medical Marijuana**

**Purpose:** The purpose of this section of the ordinance is to ensure that all cultivation, processing, storage, and distribution of medical marijuana does not have an adverse impact on the health, safety, and general welfare of the residents of the Town of Limerick, while still allowing for treatment and alleviation of a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

**Exemptions:** As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zone following the rules of Home Occupation Article VI Section L. Medical marijuana caregivers not required to register with the State and qualifying patients are not regulated under this section.

1. **Medical Marijuana Home Production Facilities:** are permitted within the caregiver's primary year-round residence as a home occupation subject to the following performance standards, in addition to the requirements of the districts in which the caregiver use is located:
  - a. The caregiver shall be least twenty-one (21) years of age;
  - b. The caregiver resides in the dwelling unit as his/her primary year-round residence in conformance with the Maine Medical Use of Marijuana State Administrative Rules or as otherwise specified in Maine statutes and/or administrative rules;
  - c. A caregiver who does not own his or her primary residence shall obtain notarized written permission from the property owner prior to cultivating marijuana and shall make the written permission available to the Code Enforcement Officer.
  - d. Caregivers shall cultivate medical marijuana within an enclosed, locked building or within an outdoor area which is accessible only by the individual authorized to cultivate the marijuana in conformance with the Maine Medical Use of



Marijuana State Administrative Rules or as otherwise specified in the Maine statutes and /or administrative rules.

- e. Medical Marijuana shall be distributed to medical marijuana patients within an enclosed building. Drive thru, drive-up or window service is prohibited.
  - f. No exterior evidence of cultivation, including signs, shall be visible from a public way or area. Marijuana plants shall be entirely screened from common visual observation from a public way or area by trees, plantings, or a solid fence at least six (6) feet or taller in height, density and depth sufficient to accomplish complete screening of plants from ordinary view. Should the plants grow higher than the screening such they are visible from a public way or area, either the plants shall be cut to not extend higher than the screening or the individual who is authorized to cultivate the marijuana shall install additional screening sufficient to conceal the plants from public view within ten (10) days of notification of the violation by the Code Enforcement Officer.
  - g. Compliance with health and safety codes. The primary residence, outbuilding, garage, or other structure where marijuana is grown, cultivated, processed, and/or stored shall meet all applicable requirements of the adopted building code, electric, fire and other health safety and technical codes.
  - h. Ventilation and odor management. Any primary residence, outbuilding, garage, or other structure used for cultivation shall have proper ventilation according to NFPA (National Fire Protection Agency) regulations to prevent mold damage and to prevent odors or particles from becoming a nuisance to surrounding properties or the public.
  - i. Gases. The use of gas products for extraction processes, including but not limited to carbon dioxide, sulfur dioxide and butane, and ozone generators are prohibited.
  - j. Dispensing of medical marijuana to medical marijuana patients shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day.
  - k. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.
2. Medical Marijuana Production Facility: are permitted in the Business Zone subject to the following performance standards, in addition to the requirements of the State of Maine;
- a. Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are only allowed in the Business zone with a Conditional Use Permit from the Planning Board.

They shall not be located: on parcels of land with a lot line located within 500 linear feet of any pre-existing public or private school facility, or any pre-

existing and licensed day-care center or day-care home, public park, public playground, athletic field, juvenile or adult halfway house, correctional facility, other Marijuana production facilities, substance abuse rehabilitation or treatment center or church. Applications for such public or private schools, child care providers, parks, playgrounds, or churches which are proposed within 500 feet of any existing medical marijuana production facility shall be required to sign a form, which may be obtained from the Code Enforcement Office, which indicates that they are aware that an existing medical marijuana production facility is located within 500 feet of their proposed site.

- b. Fire suppression will be required in conformance with the most current version of NFPA 1 Chapter 38 and the current State of Maine adopted version of NEC (National Electrical Codes) standards.
- c. All Marijuana Cooperatives and Production Facilities shall submit an Odor Control Plan with the site plan application.

Odor Control Plans shall consist of the following:

- 1) Specific odor- emitting activity(is) – This section of the plan should describe the odor emitting activities or processes (e.g., cultivation) that take place at the facility, the source(s) (e.g., budding plants) of those odors, and the location(s) from which they are emitted (e.g., flowering room).
  - 2) Odor Mitigation Practices – For each odor emitting source/ process outlined in Section 1 of the odor control plan, specify the administrative and engineering controls the facility will implement to control odors. The best odor control technology for marijuana cultivation facilities is carbon filtration.
- d. Parking: The property shall provide the minimum parking as defined in this ordinance, and such additional parking as may be required by the Planning Board.
  - e. Security: All growing of medical marijuana within a production facility shall occur inside and only within a completely enclosed structure. A greenhouse is a structure. This does not apply to home growing of medical marijuana. The building shall be constructed with a security system with recordable video surveillance and connected to 911. Exterior lighting must be sufficient to deter nuisance activity and facilitate surveillance. The Planning Board may require a chain link fence or solid fence, six feet in height, surrounding the building (s) and parking area. All security measures shall be consistent with State requirements. Security cameras may be required around the perimeter of the structure.
  - f. Operating hours of the property:
    - 1) Dispensing of medical marijuana products and materials is prohibited
    - 2) Deliveries shall not take place prior to 7:00 a.m. and no later than 8:00 p.m. on any day.

- g. Signs: All signage and advertising for any facility responsible for the cultivation, manufacturing, sale or distribution of marijuana are prohibited. Outdoor displays, window displays, or displays visible from the outside of the building intended to attract attention to or generate interest in the uses on the property shall be prohibited.
  - h. Drive through, drive up, or window services are prohibited.
  - i. All activities of marijuana establishments shall be conducted indoors.
  - j. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.
  - k. Annual safety inspections by the Fire Department and Code Enforcement Office shall be conducted. A fee set by the Board of Selectmen will be associated with these inspections.
  - l. Extraction of marijuana concentrates, such as but not limited to oil, butter, wax or shatter shall not be permitted.
3. Medical Marijuana Qualifying Patient and/ or Caregiver: A qualifying caregiver is not required to be registered with the state. This caregiver is limited to serving no more than 2 qualifying patient household members or family members. These caregivers are not allowed to sell marijuana wholesale, organize as a business entity or operate a retail store. This is considered an accessory use to a legally permitted residential dwelling unit. This does not require a Conditional Use Permit from the town. Any electric wiring requires a permit and must follow all electric code requirements.

A fee of \$500.00 shall be assessed annually retroactive to January 1, 2022. Fee adjustments may be set by the Board of Selectmen.

## **O. Town of Limerick Large Scale Water Ordinance**

### **I. PURPOSE**

The intent and purposes of this ordinance are:

- to protect the quality and quantity of groundwater, spring water and/or water in aquifers and their recharge areas located wholly or partially within the Town of Limerick
- to ensure that any large scale water extraction is subjected to prior review and approval so as to establish the ongoing sustainability and quality of said water supplies and the avoidance of any interruption or degradation of water quality and quantity to members of the general public within the Town of Limerick

- to generally protect the health, safety and welfare of persons dependent upon such water supplies
- to protect all private and public property, including all structures and facilities, and to ensure no degradation of existing or new roadways
- to guarantee that any water extraction does not impair vegetative growth, including forested areas, and to ensure the continuing stability and health of topsoil and surface land, especially in the extraction area

## II. AUTHORITY

These regulations are adopted pursuant to 22 M.R.S.A. § 2642 (“Municipal Regulations Authorized”) and 30-A M.R.S.A. § 3001.

Other Maine statutes referenced in this document:

- 38 M.R.S.A. § 404
- 22 M.R.S.A. § 2660-A
- 30-A M.R.S.A. § 4452

## III. EFFECTIVE DATE

This ordinance shall become effective immediately upon its adoption and enactment by secret ballot vote of the citizens of Limerick.

## IV. DEFINITIONS

In this article, the words and phrases listed below have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms related to groundwater extraction that is not listed below shall be defined in accordance to the following order:

- in accordance with their generally accepted technical meaning within the applicable scientific disciplines
- by their common dictionary definitions
- as defined by applicable State of Maine Statutes

### AGRICULTURAL PURPOSES

The science or practice of farming including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.

### AQUIFER

An underground body of water and earth, sand, gravel or rock that contains sufficient saturated permeable geologic material to hold, conduct and yield significant quantities of groundwater to wells and springs.

### COMMERCIAL PURPOSES

The use of lands, buildings or structures, the intent and result of which activity is the production of income from buying and selling of goods and/or services.

#### DROUGHT

A period of abnormally dry weather that is sufficiently prolonged to cause serious hydrologic imbalance in the affected area, as determined by Maine State Climate Office.

#### EXTRACTION POINT OR EXTRACTION FACILITY

The physical location where groundwater is extracted from the ground through the use of springs, wells, pumps, piping apparatus, catchments, weirs or other extractive devices, methods or technologies.

#### GROUNDWATER

Underground water resources located at or below the water table and within the pore space of consolidated sediments or in fractures in bedrock.

#### GROUNDWATER DIVIDE

The boundary between two groundwater basins which is represented by a high point in the water table or piezometric surface.

#### LARGE SCALE WATER EXTRACTION

The daily (meaning on any given day) extraction of more than five thousand (5000) gallons of ground water, spring water and/or water from aquifers or their recharge areas by any one entity or person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities.

#### INDUSTRIAL PURPOSES

The use of lands, buildings, structures, equipment, and/or raw materials to manufacture, finish, and/or package products by means of a large scale operation.

#### RECHARGE AREA

The physical area where water moves downward from surface water to groundwater. The recharge area contributes to replenishment of the aquifer.

#### RECHARGE RATE

The quantity of water per unit of time that replenishes or refills an aquifer.

#### REVIEWING AUTHORITY

As used in this ordinance, the Planning Board and the Select Board of the Town of Limerick is the reviewing authority.

#### WATER BODIES OR SURFACE WATERS

Lakes, ponds, rivers, wetlands, streams and similar surficial water bodies.

#### WATER EXTRACTION ACTIVITIES

The withdrawal, removal, diversion, taking or collection of groundwater by any means from aquifers, springs, wells or other groundwater resources through the use of wells, pumps, piping apparatus, catchments, weirs or other extractive devices, methods or technologies.

## WATERSHED OR DRAINAGE BASIN

The area of land in which all precipitation (rainfall, snow melt, etc.) drains towards a single location or area and water body or watercourse. Ridges of higher ground generally form the boundaries between watersheds. At the linear boundaries of a drainage basin, precipitation falling on one side flows toward the low point of one drainage basin while precipitation falling on the other side of the boundary flows toward the single location or area and water body or watercourse of the adjacent drainage basin.

## WATER TABLE

The level of the surface of groundwater or the water saturated zone within the underground substrate. The location of a water table is revealed by the level at which water stands in a well open along its length and which penetrates into adjacent groundwater resources.

## ZONE OF CONTRIBUTION

The area of an aquifer that is capable of contributing groundwater to a well or other extraction point under the most severe pumping and limited recharge conditions that can be realistically anticipated (i.e. 180 days of pumping at the maximum approved yield rate with no recharge of the groundwater resources from precipitation). A zone of contribution is bounded by groundwater divides which are evidenced by the pumping of the well and/or by the contact zones of supplying aquifers with adjacent low-permeable geologic materials such as glacial till or bedrock. Depending on local geologic and hydrologic conditions, surface water bodies, such as rivers, streams, wetlands, ponds or lakes may act as recharge boundaries and define a zone of contribution.

In all cases, a zone of contribution will extend up gradient within the related aquifer areas to the point of intersection of the aquifer with prevailing site-specific hydrogeological boundaries such as a groundwater divide, a contact zone with low-permeable geologic materials such as a glacial till or bedrock, or a recharge boundary which may be demarcated by a surface water body.

## ZONE OF INFLUENCE

The area surrounding a pumping well within which there are or will be physical changes in the water table due to groundwater relocation, extraction or withdrawal or the interruption of groundwater recharge conditions.

## V. LARGE SCALE WATER EXTRACTION

### A. Permit Required

The daily (meaning on any given day) extraction of more than five thousand (5000) gallons of ground water, spring water and/or water from aquifers or their recharge areas by any one entity or person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities utilized, shall require a written permit issued by the reviewing authority of the Town of Limerick.

### B. Water extraction activities not requiring a permit:

The requirements of review and approval shall not apply to extraction of water which is to be used within the Town of Limerick for agricultural purposes, drinking water and domestic

water supply to private residences, water supply for public facilities such as schools, public water utilities, fire suppression, or for commercial purposes and industrial purposes within the Town of Limerick.

C. Application Requirements

1. The application shall be in writing and be accompanied by the site plans prepared by a licensed surveyor, licensed engineer, or similar appropriately licensed professional and applicable application fees.
2. The reviewing authority shall determine that an application is complete before voting to accept the application. The date of acceptance and the beginning of the review process shall start at the time of the successful vote to accept.
3. The application shall include:
  - a. Evidence of an applicant's right, title and interest in and to the property(s) from which the water is extracted. If such evidence is other than outright ownership and title as evidenced by a deed duly recorded in the York County Registry of Deeds, the entire document/documentation whether by lease, option, contract or otherwise establishing right, title and interest shall be submitted with the application.
  - b. A statement of the total maximum daily quantity of water to be extracted, from all extraction points operated by the same individual or entity, or consortium or association of individuals or entities.
  - c. The location(s) and number of extraction points.
  - d. The method(s) of extraction.
  - e. The proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, sales or other similar activities are located outside of the Town of Limerick.
  - f. A copy of any application and exhibits and reports for such extraction filed or to be filed with any other municipal authority or any agency or department of the State of Maine, including as required by 22 M.R.S.A. § 2660-A et seq. (transport of water for commercial purposes), or under applicable Department of Health and Human Services rules and regulations
  - g. A copy of any permit, approval, or denial for such extraction as may have been issued by any agency referred to in (f) above.
  - h. A written report, certified to the reviewing authority procured and paid for by the applicant, of a hydrogeologic investigation and study, conducted and prepared by a licensed professional hydrogeologist, geologist, hydrologist, registered professional engineer or other appropriately licensed professional possessing, in the judgment of the reviewing authority, comparable credentials and qualifications. The report must address at the least the following:

- The rate of draw down and recharge rate of any aquifer or other ground water source as may have been established by a pumping or “stress test” or other similar testing regime in accordance with accepted standards within the geology and engineering professions.
- The characteristics of the aquifer or other ground water source, including rates of draw down and recharge, sustainable extraction rates, aquifer boundaries, recharge areas, impacts on the water table, and impacts on any and all existing water bodies including, but not limited to, lakes, ponds, rivers, streams and wetland areas, and private wells or other existing
- extraction locations within the zone of contribution.
- Possible effects on the aquifer or other ground water resources which might result in the disturbance of existing minerals such as, but not limited to, iron, manganese, arsenic, and uranium, and any health hazards raised by such disturbances(s) or other impacts including issues such as drinking water turbidity, clarity and aroma.

4. The application shall be accompanied by:

- a. Written notification of the application and an explanation of the intent, scope and location of the proposed water extraction in terms readily understandable to a layman to be addressed and mailed to, via certified mail, return receipt requested, the following:
  - The owners of record of all parcels of land lying above the aquifer or other water source cited in the application.
  - The owners of record of all parcels of land lying within 500 feet of the outside perimeter of the aquifer or other water source cited in the application.
  - The owners of record of all parcels of land having frontage on any body of water whether lake, pond, river, stream or wetland within five hundred (500) feet of the outside perimeter of the aquifer or other water source cited in the application, even though such individual parcels may themselves lie more than five hundred (500) feet from the outside perimeter of said aquifer or other water source.
  - For purposes of these notifications, the actual posting of the certified mail notices is required when the application is declared or deemed to be complete (see V.D.6.).
  - For good cause shown, the above notice requirements may be modified by the Planning Board where, for example, it can be established that a body of water, a portion of which lies within 500 feet of the outside perimeter of the aquifer or other water source, extends so far from the proposed extraction point(s) that actual notice to the owners of all land having frontage on that body of water is not necessary.

b. A small-scale site plan depicting at least the following:



- The limits (outside perimeter) of the aquifer or other water source cited in the application, and the bounds of the land of the applicant.
  - The location of all water bodies located within five hundred (500) feet of the outside perimeter of the aquifer or other water source.
  - The location(s) of the proposed extraction points.
  - The existing network of public or private roads leading to or by the extraction point(s).
  - Any proposed new streets or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed streets or driveways with existing streets.
  - Any existing or proposed utility lines to be utilized in the extraction operation(s).
  - The location and type of monitoring and test wells.
  - Any existing or proposed pipes, pipelines, aqueducts or similar that are intended to facilitate transport of extracted water from the extraction point(s) towards the intended end user, if any part of the extracted water is ultimately to be transported outside the geographic limits of the Town of Limerick.
  - Any other relevant and material detail(s) bearing on the proposed extraction process, the omission of which would tend to hinder the ability of the reviewing authority, affected land owners, or the public from developing a full understanding of the scope and impact of the proposal.
- c. A large-scale site plan depicting at least the following:
- A detailed plan of the extraction point(s), including without limitation, well heads, pumping facilities, monitoring or test wells, buildings, sheds, paving, vehicular drives, parking and turn around, utility lines, fencing, access roads or driveways, elevation and contour lines.
  - Any other relevant and material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected landowners or the public from developing a full understanding of the scope and impact of the proposal.
- d. Traffic impact analysis:
- A traffic impact analysis, prepared, signed and sealed by a Professional Engineer registered in the State of Maine with experience in traffic engineering. The analysis shall indicate routes to be used, the expected average daily vehicular trips, peak hour volumes, access conditions at the site, distribution of traffic, types and weights of vehicles expected, and assessment of the load capability of the road/streets to be used, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected,

and recommended improvements to maintain the desired level of service on the affected streets.

e. Application fees:

- Initial Application Fee: \$1,000
- Amended Application Fee: \$750.00
- Annual Renewal Application Fee: \$750

D. Application Review Process

1. Eleven copies of the entire application, including studies, reports, site plans, fees and all other items referred to above shall be submitted to the reviewing authority.
2. The reviewing authority shall have sixty (60) days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by these regulations.
3. If within said sixty (60) day period the reviewing authority deems the application incomplete in any material or relevant respect it shall so inform the applicant by the best practical means, either by writing or verbally at a regularly scheduled meeting of the reviewing authority at which the applicant, or its duly authorized representative, is present after which the applicant shall have a reasonable period of time, not to exceed thirty(30) days, to complete its application in accordance with these regulations, upon failure of which the application shall be deemed withdrawn.
4. If by the end of the sixty (60) or ninety (90) day period for review for completeness the reviewing authority deems the application complete, the reviewing authority shall schedule a public hearing on the application at a date not later than thirty (30) days from the date the application was deemed complete.
5. If the application is determined to be incomplete 90 days from the original submission, the reviewing authority shall notify the applicant in writing that the application is deemed withdrawn.
6. Any review of the application by the reviewing authority or its agent for completeness is preliminary only and is not to be deemed a substantive review, and confers no vested right upon the applicant or under the application. Substantive review shall not be deemed to occur until the convening of a public hearing on the application under these requirements.
7. The applicant's obligation of written notification via certified mail of property owners as set forth in V.D.3. above shall not accrue until the application is determined to be complete under these regulations.

E. Application Hearing Process

1. The completed application shall be reviewed by the reviewing authority at a public hearing after a fifteen (15) day published notice in a newspaper of general circulation within the

Town of Limerick and posting of notice at three conspicuous public places within the Town, and upon confirmation on the hearing date that certified mail notice has been sent to all affected landowners.

2. The reviewing authority shall be entitled to adopt whatever procedural rules for the hearing including the imposition of reasonable time limits for the presentations of the applicants, opponents, if any, and the general public, it deems appropriate, fair and reasonably calculated to afford a full consideration of the issues pertaining to the application.

F. Application Decision Process

1. Upon the adjournment of the initial public hearing the reviewing authority shall schedule another public session to occur not later than thirty (30) days from the adjournment of the initial public hearing in order to deliberate and make a decision.
2. The reviewing authority's decision may be:
  - a. To approve the application;
  - b. To deny the application; or
  - c. To approve the application on a conditional basis, with conditions or stipulations that must be completed prior to the boards final approval. Any approval (conditional or unconditional) shall require the reviewing authority's determination that the applicant has satisfied all of the performance standards set forth below.
  - d. Any approval shall specify that it is only for a daily extraction total not exceeding the maximum daily quantity as set forth in the application or this Ordinance, whichever is less.
3. The reviewing authority shall issue a written decision with rulings and conclusions not later than thirty (30) days from the date of the decision to approve or deny, or approve with conditions. A copy of such decision shall be provided promptly to the applicant and otherwise be available publicly.
4. Any extraction authority granted hereunder shall be for a period not to exceed one (1) year
5. With respect to an application for a permit renewal if, after notice and hearing as referred to in section V. E. above, the reviewing authority finds the following, a renewal permit for another one (1) year period shall be issued.
  - a. There is no increase in the permit holder's extraction activities in terms of the quantity of water to be extracted; and
  - b. There is no change in the location or configuration of the extraction facility; and
  - c. There has been no material failure by the permit holder to comply with any conditions of the expiring permit; and

- d. There has been no material failure by the permit holder to meet the performance standards applicable to the expiring permit; and
- e. There is no significant, credible evidence that the permit holder's continuing operation would be unable to meet the performance standards of the regulation during any renewal period; and
- f. The application for a renewal permit must be filed with the reviewing authority not less than ninety (90) days prior to the expiration of the existing permit.

## VI. PERFORMANCE STANDARDS

No application shall be approved until and unless the reviewing authority shall have affirmatively found that each of the following performance standards has been or will be met, the burden of establishing and demonstrating compliance with which is solely the applicant's. The applicant must also demonstrate to the reviewing authority that it possesses the expertise and financial resources to provide continuing adherence to these standards.

### A Geologic and Hydrologic Standards

1. The quantity of water to be extracted will not adversely affect existing uses of groundwater or surface water surfaces, including private wells.
2. The quantity of water to be extracted will not cause undesirable changes in ground water flow patterns relating to the aquifer, its recharge areas, or other ground water sources within the Town.
3. The quantity of water to be extracted will not negatively impact, diminish or alter any surface waters within the Town, including during any period of drought.
4. The quantity of water to be extracted will not cause any ground subsidence beyond the limits of the aquifer or other water source cited in the application.
5. The quantity of water to be extracted will not adversely affect the long-term sustainability of the aquifer, or its recharge areas, or other ground water sources, including during periods of drought.

If at any time the Maine State Climate Office (MSCO) declares a drought in York County, all water extraction shall cease and not resume until the drought condition has been alleviated and has been declared over by MSCO.

The drop in groundwater level at monitored locations more than three (3) inches below the mean monthly level (as determined by the groundwater level measured in the test wells prior to the commencement of any extraction) shall be cause for the Town of Limerick to demand that all extractions cease until the groundwater level returns to two (2) inches below the original mean monthly level as defined above. This is to prevent the loss of future aquifer volume as hydrological data and research have proven that severe withdrawal of an aquifer causes it to lose its original capacity forever in the future.

6. The proposed extraction will not create a health risk or issues such as drinking water turbidity, clarity or aroma resulting from the disturbance of existing minerals, or from any other cause, with ongoing follow up monthly testing for this purpose, results to be provided in writing to the Limerick Code Enforcement Officer on at least a monthly basis.
7. The establishment of an ongoing follow up monitoring system and development of a system of recording and documenting extraction and recharge data, within the zone of contribution, to be reported in writing to the Limerick Code Enforcement Officer on at least a monthly basis. At least twenty-five (25) percent of monitoring locations shall be private wells located within the zone of contribution.
8. The amount of withdrawal will not exceed 10,000 gallons per day. This amount can be reduced or eliminated at any time with appropriate cause such as drought conditions as specified in Section VI.A.4. or other circumstance (s) which the CEO deems applicable and appropriate.

#### B. Impacts on General Vicinity

1. The Code Enforcement Officer may enter the property where the extraction operation is located and at reasonable hours. Entry into any building may occur with the consent of the owner, occupant, or agent to conduct the inspection.
2. The applicant assumes any and all liability for the loss, interruption, degradation or interference with the pre-existing beneficial domestic use of groundwater by a landowner or lawful land occupant, or other public or private water supply, caused by the applicant's withdrawal or extraction of water, as established by 38 M.R.S.A. § 404.
3. Provision shall be made for vehicular access to the extraction facility (s) and for circulation, loading and unloading upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians on adjacent streets or roads, to avoid traffic congestion with traffic safety hazards, or other safety risks.
4. Any driveways or access roads to the extraction facility (s) shall be designed in profile and grading and located so as to provide sight distance as set out in the Limerick Zoning Ordinance and State DOT requirements.
5. Driveways or access roads to the extraction facility(s) shall conform to the standards set out in the Limerick Zoning Ordinance and State DOT requirements.
6. Additional vehicular demand on existing town roads or public easements occasioned by the operation of the extraction facility (s) will not exceed the capacity of those roads, or cause the premature failure, aging or diminished utility of those roads, as determined by the Limerick Road Commissioner. Should such damage occur, all repair cost shall be borne by the applicant.

7. To the extent the extraction facility (s) will be served by pipes, pipelines, aqueducts or similar that such installations will be sited and constructed in a manner which will not:
  - interrupt the public's use of any existing street
  - interrupt the public's access to any public facility great pond or similar
  - interrupt private access to private property or
  - pose the risk of damage to any property along or through which such installation traverses as a result of any failure or malfunction which might cause ponding, erosion, run off or similar.
8. The proposed extraction and activities incident to such extraction such as increased traffic (volume and type), parking hours or operation, noise, glare from lights, or similar potential for nuisances are unlikely to cause a negative impact on adjacent properties and the nearby vicinity as a whole.

#### VII. INDEPENDENT EXPERT ASSISTANCE

If the reviewing authority reasonably determines it requires independent expert assistance to assist it in its preliminary review of the application, or in evaluating the substance of the application at a public hearing, or in developing appropriate conditions of approval, it may engage the services of such expert assistance, to serve as the reviewing authority's own expert. The applicant shall be required to pay to the Town, in advance of the scheduling of any public hearing, a sum equal to said projected or estimated cost, the failure of which payment shall excuse the reviewing authority from scheduling any public hearing until such payment is made in full.

#### VIII. CONCURRENT JURISDICTION

As applicable, jurisdiction of the reviewing authority under these regulations is concurrent with such jurisdiction as may presently be vested in the Limerick Planning Board, the Select Board, the Limerick Board of Appeals, the Limerick Code Enforcement Officer and is not intended to divest them of existing jurisdiction as applicable, but rather establishes and imposes additional requirements and procedures as set forth herein.

#### IX. ENFORCEMENT AND SEVERABILITY

These regulations may be enforced by the municipal officers of the Town of Limerick under 30 A M.R.S.A. § 4452, the fines and penalties set forth therein to apply hereto. Should any section or provisions of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate or effect the enforcement of any other section or provision of these regulations.

As an additional means of enforcement, the Planning Board may suspend or revoke any permit issued hereunder if it determines, after notice and hearing, that it was issued in error or upon incomplete or false information, or that applicant has failed to comply with any conditions of approval, and upon such suspension or revocation all water extraction addressed by said permit shall cease until a new approval or permit is obtained under these regulations by the applicant.

Appeal of any suspension or revocation of a permit shall be governed by Article X – Board of Appeals within Limerick’s Zoning Ordinance.

**X. AMENDMENTS**

The ordinance may be amended by a majority secret ballot vote at any legal town meeting when such amendment is published in the warrant calling for the meeting and when such amendment has received a public hearing, which hearing has been advertised and given a legal ten (10) day notice.

**XI. INCONSISTENT ORDINANCE PROVISIONS**

If the provisions of this ordinance are inconsistent with provisions found in other adopted ordinances or regulations of the Town of Limerick, the more restrictive provision governs unless otherwise stated.

## **P. Solar Array Ordinance**

### **DEFINITIONS**

#### **ARRAY:**

An installation of more than one component installed, linked or wired together for a single purpose. The area of the system includes all the land of the parcel or parcels it is placed on or inside the perimeter of the system, which extends to any exterior fencing.

For the purposes of this Ordinance, any single antenna or panel greater than 5,000 square feet of surface area or any single wind energy conversion unit greater than 80 feet high is included in this definition.

Examples of arrays are, but are not limited to, solar heating panels, solar photovoltaic panels, concentrated solar thermal installations, antenna arrays and wind farms.

#### **BERM:**

A barrier constructed of landscaped earth, four (4) feet or more in height measured from the outside base of the berm. Berms may be pierced with reasonable access ways no more than twelve (12) feet in width as approved by the Planning Board.

#### **COMMERCIAL ARRAYS:**

Arrays that provide power or signals for commercial applications, such as but not limited to: fee-based public supply, factories, remote traffic controls, telecommunications, or oil and gas industry applications, except as specifically exempt by this Ordinance.

#### **SOLAR ENERGY CONVERSION ARRAY (SECA):**

The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, concentrated solar thermal installations, and solar hot water systems.

### **Section 1 - Purpose**

The purpose of this section is to accomplish the following objectives with the least possible regulation;

1. To encourage the development of on-site energy production and consumption;
2. To protect the public health and safety;
3. To promote the general welfare of the community)
4. To meet the goals of the Comprehensive Plan;
5. To conserve the environment, wildlife habitat, fisheries and unique natural areas; and
6. To fit these systems harmoniously into the fabric of the community by providing standards for alternative energy systems and other types of arrays.



## **Section 2 - Authority**

The Limerick Planning Board is vested with the authority to review and approve, approve with conditions or reject any application for arrays as defined in this Ordinance.

1. The Limerick Planning Board reserves the right to hire independent third-party consultants to review array proposals in order to determine the impact to surrounding properties or public safety implications or resolve any other issues regarding the proposal.
2. In the event that the Planning Board requires expert opinions, advice or testimony during the course of reviewing the application, it will use due diligence to obtain and utilize free services from governmental or non-profit sources.
3. Should the Planning Board be unable to obtain and utilize free services, it shall require the applicant to pay for such services, after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required, and the approximate cost of the expert.
4. The applicant shall be provided with an opportunity to meet with the Planning Board to arrange a schedule for payment of the costs.
5. The applicant shall have the right to request a public hearing before the Appeals Board to determine if the experts, as noticed by the Planning Board, are necessary to a determination of any issue properly before the Planning Board, and if the approximate costs of the expert are reasonable.
6. The applicant shall request the hearing within 10 days of receipt of the notice establishing the necessity and costs of any independent third-party consultant, or such time as is agreed to by the Planning Board and the applicant.
7. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is not reasonable.

In addition to any other applicable provisions of this Ordinance, before granting Site Plan Approval for any land-use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable.

## **Section 3 - Exempt Arrays**

The following arrays are exempt from this Article provided they meet all other requirements of this Ordinance:

1. Roof-mounted on any legally-permitted residential or residential accessory structure.
2. Ground- or pole-mounted for private use with a panel area less than 5,000 square feet.
3. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
4. Repair or replacement of array components that do not enlarge the area of the existing array.

## **Section 4 - Location**

Arrays may be permitted in the RFF district only subject to all requirements of securing site plan approval and a building permit:

## **Section 5 - Site Plan Review**

All non-exempt arrays must be approved by the Limerick Planning Board through the Town of Limerick Site Plan Review process which is a part of this Ordinance.

The following requirements are additional to all other requirements of this Ordinance to be included in the Site Plan.

1. A Site Plan stamped and certified by a Maine registered engineer.
2. A revegetation plan for any cleared areas with appropriate plantings that are native to the region when the facility is decommissioned.
3. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards in Section 6, below. Such plan must be filed in the York County Registry of Deeds prior to the first operation of the array.
4. A Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said Array, including but not limited to cardboard, wood, scrap metal, scrap wire, and clearing and grading wastes, from the construction site and the disposal site(s) of such waste. Information on the amount of material that is being recycled shall be included in the WSMP.

## **Section 6 - Guarantee for Removal**

At the time of approval of a proposed array, and prior to initiating construction of any array within the Town of Limerick, the applicant must guarantee the costs for the removal of the facility.

1. The amount of the guarantee shall be equal to the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional array construction company.
2. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional array construction company every five (5) years from the date of the Planning Board's approval of the site plan.
3. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security in the amount of the increase. The applicant may also request adjustments in the guarantee.
4. Types and Contents of Guarantee

One of the following performance guarantees chosen by the applicant shall be provided on approval of the application.

### **a. Interest-Bearing Escrow Account**

A cash contribution equal to the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town, direct deposit into a savings account, or purchase of a certificate of deposit.

- i. For any account opened by the applicant, the Town shall be named as owner or co-owner, and consent of the Town shall be required for a withdrawal.

- ii. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

b. Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town, and the procedures for collection by the municipality. The bond documents shall specifically reference the array facility for which approval is sought.

c. Irrevocable Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the removal of the array facility and may not be used for any other project or loan.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Town Selectmen, and/or Town Attorney, expenses paid for by the applicant.

**Section 7 - Decommissioning and Abandonment**

1. The lessee of the Facility, or the owner of the parcel if there is no lessee, will do the following as a minimum to decommission the protect.
  - a. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four feet below grade.
  - b. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
  - c. Restore the land to a condition reasonably similar to its condition before development, including replacement of top soil removed or eroded.
  - d. Revegetate any cleared areas with appropriate plantings that are native to the region according to the approved Site Plan unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to site plan review.
2. All said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.
3. Abandonment will occur as a result of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:
  - a. The land lease ends; or
  - b. The system does not function for 12 months. or
  - c. The system is damaged and will not be repaired or replaced.

A notice of the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made towards that goal.

If the facility has not returned to operational condition within two years from the date of the first notice of the intent to maintain and reinstate the operation of the facility the Code Enforcement Officer shall find the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.

4. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and restore the site to its condition prior to development within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Board of Selectmen.
  - a. In the event the lessee of the facility fails to remove the array and its components as outlined above, the landowner shall remove the facility within 90 days-notice by the Code Enforcement Officer.
  - b. In the event the landowner fails to remove the facility as stated above, the Town of Limerick shall have the facility removed at the expense of the landowner.
  - c. Any unsaid costs associated with the removal after one year of removal shall be enforced as a tax lien placed on the real estate of the array site.

### **Section 8 - General Standards for All Arrays**

1. Arrays legally constructed prior to the effective date of this Article shall not be required to meet the requirements of this Article, unless they are expanded.
2. Unless otherwise specified through a written contract agreement, a copy of which is on file with the Limerick Code Enforcement Officer, the property owner of record will be presumed to be the responsible party for owning and maintaining the array.
3. Approval under this Article is conditional upon compliance with all other provisions of the Land Use Ordinance, the Maine Plumbing and Electrical Codes, Natural Resources Protection Acts Site Law, Stormwater Management Law or other applicable regulations and any requirements of the local utility if any array is to be connected to any existing electric grid.
4. An array shall not be constructed until the Site Plan has been approved by the Planning Board and a Building Permit has been issued by the Code Enforcement Officer and all time for appeal by others has expired during which no appeal has been filed.
5. All arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.

6. All on-site electrical wires or piping associated with the system shall be installed underground except for "tie-ins" from above-ground mounted installations and to public-utility company transmission poles, towers and/or lines. This standard may be waived by the Planning Board if the project terrain is determined to be unsuitable for underground installation.
7. The array site shall not display any permanent or temporary signs, writing, symbols, logos or any graphic representation of any kind except appropriate manufacturer's or installer's identification and warning signs.
8. Array placement must be designed to minimize or negate any solar glare onto nearby properties, airports or roadways.
9. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
10. Any point of potential contact of people or animals with generated electric current must be secured.
11. The boundaries of any array that border any road or any abutting residential dwelling lot shall consist of a vegetated buffer the width of the required setback along that border additionally to any fence that may be erected and existing vegetation should be used to satisfy these planting requirements where possible. No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection. Berms with vegetation are encouraged as a component of any buffer and the Planning Board may allow up to 25% reduction in the required buffer width with a berm.
12. Arrays covering permanent parking lots and other hardscape areas approved by the Planning Board are encouraged in order to limit the amount of stormwater flowage. Such installations may have the vegetated buffer requirements substituted by the buffer requirements of the overall project at the discretion of the Planning Board.
13. If electric storage batteries are included as part of any array system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Limerick and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.
14. Financial gain from "Net metering" for electric power is not considered a commercial activity if the benefits of it are for private use.
15. 15. Collective or cooperative arrays are not considered commercial if they benefit only the collective or cooperative owners.

## **Section 9 - Solar Energy Conversion Arrays (SECA)**

1. Setbacks:

All parts of the SECA shall be setback from all property lines a distance equal to the required minimum setback of the district in which it is located plus ten (10) feet for each 100,000 square feet or fraction thereof of array collector surface area.

2. Height:

Aground- or pole-mounted SECA shall have a maximum height of 20 feet in all districts as measured from the ground level to the system's highest point at full tilt except for the Rural/Commercial, Farm and Forest, and Planned Development districts where the maximum height shall be 40 feet as measured from the ground level to the system's highest point at full tilt.

3. Roof Load:

The weight of any SECA proposed to be roof mounted on any nonexempt structure must be calculated and a determination must be made in writing by a registered engineer stamped certification or finding that the load rating of the underlying structure can accommodate the additional weight.

4. Lot Coverage:

The maximum surface area of a ground- or pole-mounted panel system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

5. Design Standards:

- a. Any height limitations of this Ordinance shall not be applicable to roof-mounted solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve.
- b. SECA installations shall not obstruct solar access to neighboring properties.
- c. The SECA structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

The effective date of this Ordinance is March 13, 2020.

## Article VIII - Conditional Uses

- A. Purpose. A conditional use permit is designed for those uses which that may be permitted as a service to the community or for the benefit of the Town's general welfare. The standards of this provision are designed to ensure adequate control of the location, design and operation of conditional uses.
- B. Planning Board Approval Standards. The Planning Board may approve an application for a Conditional Use Permit if the applicant demonstrates that the proposed use:
1. Will meet the definition and specific requirements set forth in this ordinance for the specific use;
  2. Will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light, glare or other cause;
  3. Will not have a significant adverse effect on adjacent or nearby property values;
  4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;
  5. Will not result in significant fire danger;
  6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;
  7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles;
  8. Has proposed exterior lighting that will not create hazards to motorists traveling on adjacent public streets, is adequate to the safety of occupants or users of the site, and will not damage the value and diminish the usability of adjacent properties;
  9. Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development;
  10. Makes provisions for vehicular loading and unloading and parking for vehicular and pedestrian circulation on the site and onto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities;
  11. Makes adequate provision for disposal of waste water or solid waste and for the prevention of ground or surface water contamination;
  12. Makes adequate provision to control erosion or sedimentation;

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site;
  14. Provides for a water supply which that will meet the demands of the proposed use;
  15. Makes adequate provision for the transportation, storage, and disposal of hazardous substances and materials as defined by State law;
  16. Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which that could be avoided by reasonable modification of the plan.
- C. **Public Hearing.** A public hearing shall be held by the Planning Board following an application for a Conditional Use Permit.
- D. **Written Findings.** All findings by the Planning Board under these provisions shall be accompanied by written statements that set forth the reasons why the findings were made.
- E. **Attachment of Conditions; Violation.** Upon consideration of the standard in Article VII.B, the Planning Board may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems advisable to satisfy those standards. Violation of any of these conditions shall be a violation of the ordinance. Failure to comply with the provisions of this ordinance, as interpreted by the Code Enforcement Officer shall be cause for revocation of the Conditional Use Permit. Changes that alter the conditions or provisions of the permit as issued will be a violation. Such conditions may include, but are not limited to, specifications for: type of vegetation;; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational of controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; location of piers, docks, parking and signs; type of construction; or any other condition necessary to satisfy the standards in Article VII.B. A change in ownership does not constitute a change in use.
- F. **Conditional Use Permit for Spreading of Sludge. (NOT PERMITTED IN ANY DISTRCT)**

**Definitions:**

**In-Vessel Composting:** Sludge that is maintained in a heating vessel at 55 degrees for ten days or longer.

**Sludge:** The solid, semi-solid or liquid generated by a municipal, commercial or industrial wastewater treatment plant. Sludge is one type of residual and is included when the term "residual" alone is used. The term "sludge" does not include (nor does this Ordinance seek to regulate) either material of the same origin that has been treated and packaged for retail sale as garden fertilizer or any non-processed agricultural waste.

1. **Application Procedure:** An application form may be obtained from the Code Enforcement Officer and must be filed with the Planning Board ninety (90) days before the first delivery date. The application shall include the following:
  - a. Completed "Application for Sludge Utilization" prepared for the Department of Environmental Protection ("DEP").



- b. Fee of five hundred dollars (\$500.00).
- c. Map of the proposed site.
- d. Results of baseline testing from wells and soils tests located adjacent to the spreading site.
- e. Description of management techniques to protect ground and surface waters.
- f. By descriptive letter and/or other proof of insurance, evidence of the applicant's complete acceptance of liability and financial capacity to mitigate any potential damage to humans, animals, soil or water resources caused by the storage or application of proposed residual. The amount of insurance shall be no less than three million dollars (\$3,000,000.00) covering liability to the Town of Limerick.
- g. The Board, after initial review of the application, may require other such information as it deems necessary to guarantee adequate protection of the public health and safety. This may include, but is not limited to, background water tests of existing wells or additional hydrogeologic data. Additional testing shall only be required when there is evidence of a circumstance at or in the vicinity of a specific site that was not adequately addressed by the DEP in its review or that the Planning Board believes was not adequately addressed by the applicant. Well-substantiated public comment may give cause for the Board to require additional baseline testing or other information.

## 2. Review Procedure

Upon receipt of the application, the Chairman or Secretary of the Board shall set a date for the first consideration of the application and prepare a public notice thereof. The notice will include mention of the baseline water tests recommended for wells within five hundred (500) feet of the proposed activity. The Board shall provide the applicant with a copy of the notice and direct the applicant to deliver a copy to all abutters and property owners within one thousand (1,000) feet of affected sites of the proposed activity. The applicant is responsible for all costs incurred in fulfilling the review requirements.

The Board shall communicate with the DEP to ascertain the status of the applicant's State permit. If the Town permitting process moves ahead of the State process, the Town shall make receipt of a DEP permit a conditional requirement of the Town's permit.

Utilizing any information received from abutters and other concerned citizens, the CEO shall inspect the proposed site(s) to verify information presented in the application. The CEO shall notify the DEP and the Board of his/her findings. The Planning Board shall determine whether additional or corrected information is required of the applicant.

Within thirty (30) days of filing the application, the Board shall notify the applicant in writing either that the application is complete, or what other material must be provided. The Board shall grant, grant with conditions, or deny the permit within sixty (60) days of the meeting at which it determines that it has received a completed application.

If sufficient interest is shown, the Board shall hold a public hearing within forty-five (45) days of receiving the completed application in order to solicit public input.

Within seven (7) days of reaching its decision, the Board shall notify the applicant in writing of the action taken by the Board.

A permit issued under this Ordinance shall be valid for a period of five (5) years from the date of issuance and shall be subject to annual review by the Board. Each November, the Code Enforcement Officer shall make a report to the Board on the status of each permit conditions of approval to determine if the conditions were met for the previous year. A permit to add one or more site(s) to an existing permit shall lapse at the same time as the original permit.

### 3. Monitoring and Enforcement

- a. Monitoring of all testing and spreading shall be supervised by the Code Enforcement Officer and the Health Officer of the Town of Limerick and/or their appointed representatives in conformity with EPA standards or more stringent standards set by the Limerick Planning Board. Enforcement of this Ordinance shall be the duty of the Selectmen of the Town who is hereby given power and authority, to enforce the provisions of this Ordinance.
- b. Testing of Sludge: All material shall be tested using levels, tests and standards as set by the EPA document #40 CFR Part 503 regulation approved by the EPA (11-25-92) with a test frequency at least as strict as EPA standards, set by the Town of Limerick and carried out by an independent laboratory, and with the option of increasing the stringency of all tests, levels, standards and frequencies as deemed necessary by the Limerick Planning Board.

Minimum testing shall be as follows:

- i. Within seventy-two (72) hours of delivery to the site to any spreading.
- ii. Sixty (60) and One hundred twenty (120) days after spreading (for loading only).
- iii. Prior to any additional material being spread.
- c. The cost of all testing will be paid by the license holder.
- d. The Town of Limerick will only accept Sludge that has been processed by "in 55 degrees Celsius, or higher, for ten (10) days or longer.

### 4. Testing of Water Wells

- a. Any persons having land abutting the spreading areas shall be entitled to have their well water tested:
  - i. Before spreading for a baseline.

- ii. Yearly, while license remains in effect.
    - iii. Once after license ends as a closing baseline.
  - b. All cost of testing will be paid by the license holder.
5. Covenant on Deed of Landholder
- a. The spreading of sludge on any land will require a protective covenant to be recorded at the County seat on the deed of the landholder.

6. Field Stacking

The term “field stacking” is defined as the stacking of materials for no longer than seventy-two (72) hours before spreading. In the case of inappropriate spreading, conditions, or lack of test results, an extension may be granted.

- a. Conditions for field stacking materials:
  - i. Materials to be field stacked shall be placed on and covered with a waterproof material to prevent leaching into the soil and becoming airborne.
  - ii. Each load of material shall be kept separate from the others for testing.

7. Overseeing of Spreading

- a. Forty-eight (48) hours notice will be given to the CEO of the town.
- b. At the CEO’s discretion, a time shall be given to the licensee to spread. The spreading shall be overseen by the CEO or his appointed alternate.

## **Article IX - Enforcement**

- A. It shall be the duty of the Code Enforcement Officer, who is hereby given power and authority, to enforce the provisions of this Ordinance.
- B. The Code Enforcement Officer shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance.
- C. Permits. After the passage of this Ordinance, it shall be unlawful to erect any building or alter the dimensions of any building or relocate any building in any district without first obtaining a building permit from the Building Inspector.
- D. Basic maintenance and repairs to structures such as roof replacements, clapboard or vinyl siding installation, painting, or window replacement, etc. do not require a permit. It is the responsibility of the property owner to contact the CEO to determine if a permit is required prior to beginning work on a structure.
- E. Upon any well-founded information that this Ordinance is being violated, the Code Enforcement Officer shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other legal action.

## **ARTICLE X - BOARD OF APPEALS**

### **A. Establishment**

A Board of Appeals is hereby established pursuant to 30-A M.R.S.A. § 2691.

### **B. Appointment**

1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and be sworn by the municipal clerk or other person authorized to administer oaths.
2. The board shall consist of five (5) members.
3. The term of each member shall be three (3) years.
4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a voting resident of the town. The municipal officers may remove members of the board of appeals by majority vote, for cause, after notice and hearing.
5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

### **C. Organization, Rules and Procedures**

1. The board shall elect a chairperson, cochairperson, and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members of the board present and voting, except the member who is being challenged.
3. The chairperson shall call one regular meeting each month, provided there is business to conduct.
4. No meeting of the board shall be held without a quorum consisting of three (3) members. No action shall be taken on the issue before the board without a majority vote of those members present and voting.
5. The chairperson shall call one meeting annually to elect officers.

## **D. Duties and Powers**

1. The board of appeals may adopt rules and procedures for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.
2. The board of appeals shall file all rules and procedures and subsequent revisions with the Town Clerk. Copies shall be provided to the municipal officers for their information.
3. The board of appeals shall perform such duties and exercise such powers as are provided by the ordinances of the Town of Limerick and the laws of the State of Maine.
4. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.
5. The Board may interpret the provisions of any applicable municipal ordinance it has been given the jurisdiction to hear.

## **E. Jurisdiction**

1. The Board of Appeals is authorized to hear and decide appeals as an appellate review where it is alleged there is an error in any administrative decision, order, requirement, or determination made by the Code Enforcement Officer or Planning Board under the following Ordinances.
  - a. Zoning Ordinance of the Town of Limerick, Maine.
  - b. Planning Board Standards for Reviewing Subdivisions.
  - c. Shoreland Zoning Ordinance of the Town of Limerick, Maine.
  - d. Flood Plain Ordinance of the Town of Limerick, Maine.
  - e. Sludge Ordinance of the Town of Limerick, Maine.
  - f. Building Code Ordinance of the Town of Limerick, Maine.
  - g. The Growth Ordinance of the Town of Limerick, Maine.
  - h. The Communication Tower Ordinance of Limerick, Maine.
2. The Board of Appeals is authorized to hear variances in specific cases but only within the limitations set forth in this ordinance.
3. The Board of Appeals is authorized to hear the following:

A. Permit a non-conforming temporary use for an initial period of not more than two years. Permits may be renewed by the Board of Appeals for successive periods of not more than one year each.

B. Permit in a Commercial District manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing.

C. Permit in a Commercial District trailer camps or mobile home subdivisions provided that no trailer or mobile home shall be located on a lot smaller than 2,000 square feet in area and follow the regulations adopted by the Selectmen and as outlined in the State Plumbing Code.

## **F. Variances**

1. Variances may be permitted only under the following conditions:

a. Variances are obtainable only for height, minimum lot size, structure size, setbacks, and open space requirements.

b. An application for a variance may be filed directly with the Board of Appeals in accordance with the procedures below.

c. For a variance appeal the applicant shall submit:

1. A sketch drawn to scale of 1" = 100' showing lot lines, location of existing building and other physical features pertinent to the variance request.

2. A concise written statement stating what variance is requested.

d. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.

e. The Board shall not grant a variance unless it finds that all the following criteria are met:

1. that the land in question cannot yield a reasonable return unless a variance is granted;

2. that the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood;

3. that the granting of a variance will not alter the essential character of the locality; and

4. that the hardship is not the result of action taken by the applicant or a prior owner.

f. The Board shall limit any variances granted as strictly as possible in order to preserve the terms of the Ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary to this end.

g. The Board of Appeals is also authorized to hear and decide requests for disability variances as provided in 30-A M.R.S.A. § 4353 (4-A).

## **G. Appeal Procedure**

### **1. Making an Appeal**

a. Any appeal authorized by this Article may be taken to the Board of Appeals. Where an appeal is taken by an aggrieved person from any administrative decision of the Code Enforcement Officer or Planning Board, the appeal shall be taken within thirty (30) days of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

b. An appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal.

c. The Board of Appeals shall notify the Board of Selectmen, Planning Board, Code Enforcement Officer, and applicant of the appeal. Notice shall also be provided, where the appeal is of an approved permit, to the holder of the permit. In the case of an application for a variance in a shoreland zoning district, a copy of the application, together with all supporting information provided by the applicant, shall be forwarded to the Commissioner of the Maine Department of Environmental Protection at least twenty (20) days prior to taking any action on the variance application. If the Commissioner of the Department of Environmental Protection submits any comments in response to the variance application, the Board of Appeals shall make such comments part of the record and shall consider them prior to taking action on the variance application.

d. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board shall transmit to the Board of Appeals all the papers specifying the record of the decision appealed from.

e. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal application. Notice of the date, time, and place of the hearing shall be placed in one newspaper of general circulation in



the area at least seven (7) days prior to the hearing. All costs of the hearing such as: public notice, secretary fees, etc. are to be borne by the applicant.

f. In an administrative appeal the applicant has the burden of proof to demonstrate that the Code Enforcement Officer or Planning Board acted contrary to the Ordinance. The Board of Appeals shall hear an appeal of any decision of the Planning Board on an appellate basis and shall limit its review to the record developed before the Planning Board and shall not accept any new evidence or testimony. The Board of Appeals may only reverse a decision of the Planning Board if it determines that the Planning Board's decision was based on an error of law or a mistake of fact.

## 2. Hearings

a. In any appeal from a decision of the Code Enforcement Officer or any variance appeal, the Board shall conduct a de novo hearing as follows:

i. The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts.

ii. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chairperson. All persons at the hearing shall abide by the order of the Chairperson.

iii. At any hearing a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

iv. The Code Enforcement Officer shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material s/he deems appropriate for an understanding of the appeal.

v. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

vi. The Board of Appeals shall include a statement of its findings of fact and conclusions of law as part of its decision.

b. The Board of Appeals shall hear any appeal of a decision of the Planning Board solely on an appellate basis and shall only reverse a decision of the Planning Board that contains one or more errors of law or fact.

- i. The Board of Appeals shall not consider or accept new evidence or testimony and shall limit its review to the record developed before the Planning Board.
- ii. The person bringing the appeal and any persons in opposition to the appeal shall be limited to a presentation of arguments as to why the decision of the Planning Board is in error.

## **H. Decisions of the Board of Appeals**

1. A majority of the members of the Board shall constitute a quorum for the purpose of deciding an appeal or variance. A member who abstains shall not be counted in determining whether a quorum exists.
2. The concurring vote of a majority of the members of the Board making up the quorum shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance. A tie vote shall constitute a rejection of the application being considered.
3. The Board shall decide all appeals or variances within thirty-five (35) days after hearing, and shall issue a written decision on all appeals or variances.
4. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Code Enforcement Officer, Planning Board, and Selectmen within ten (10) days of the decision date.
5. A copy of all variances effecting shoreland zoning granted by the Board of Appeals shall be submitted to the Dept. of Environmental Protection within fourteen (14) days of the decision.
6. The applicant shall be responsible for a recording a certificate of variance in the York County Registry of Deeds within 90 days of the final written approval. The variance will not be valid until it is recorded. If the variance is not recorded within the required 90-day period, it shall become void.

## **I. Appeal to Superior Court**

Except as provided in Section J of this Article, any aggrieved party may take an appeal to Superior Court in accordance with State law within forty-five (45) days from the date of any decision of the Board of Appeals.

**J. Reconsideration**

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision, if the applicant can provide new and substantial evidence to reconsider. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be 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. The Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding Section I of this Article, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.

**K. Severability Clause**

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

**L Effective Date**

The effective date of this amendment is June 13, 2017.

## **Article XI - Amendments**

This Ordinance may be amended by a majority vote of any legal town meeting when such amendment has received public hearing, which hearing has been advertised and given a legal ten (10) day notice.

## **Article XII - Penalty**

Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be subject to the provisions of 30-A M.R.S.A. § 4452.

## **Article XIII - Saving Clause**

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

## **Article XIV - Effective Date**

This Ordinance shall take effect upon its passage.

## **LIMERICK BUILDING CODE ORDINANCE**

The Maine Uniform Building Code (MUBC), as adopted on October 11, 2010 by the Maine Department of Public Safety's Building codes and Standards Board, is adopted by reference, as authorized by 10 M.R.S.A., section 9724 (1-A0 and 30-A M.R.S.A., section 3003. Upon adoption, MUBC shall be effective retroactive to September 28, 2011. The penalty for violation of any provision of MUBC shall be as provided by 30-A M.R.S.A., section 4452. A copy of MUBC is and shall remain on file with the municipal clerk and is available for public use, inspection and examination. Enforce only the Main Uniform Building Code sections RB, CB, RV, CV, and RR.

### **Enforcement:**

This ordinance shall be enforced pursuant to the provisions of 30-A M.R.S.A. 4452 Rule 80K of the Maine Rules of Civil Procedure and Limerick Building Ordinance by any municipal official authorized by law to do so.

**CERTIFICATE OF OCCUPANCY**  
**Use and Occupancy**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be constructed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

I hereby certify that the foregoing is a true abstract or copy of a record which is in my official custody.

Date Accepted: March 5, 2024

Attest: DeeDee Tibbets,

Municipal Clerk, Town of Limerick, Maine

Date Attest: March 6, 2024