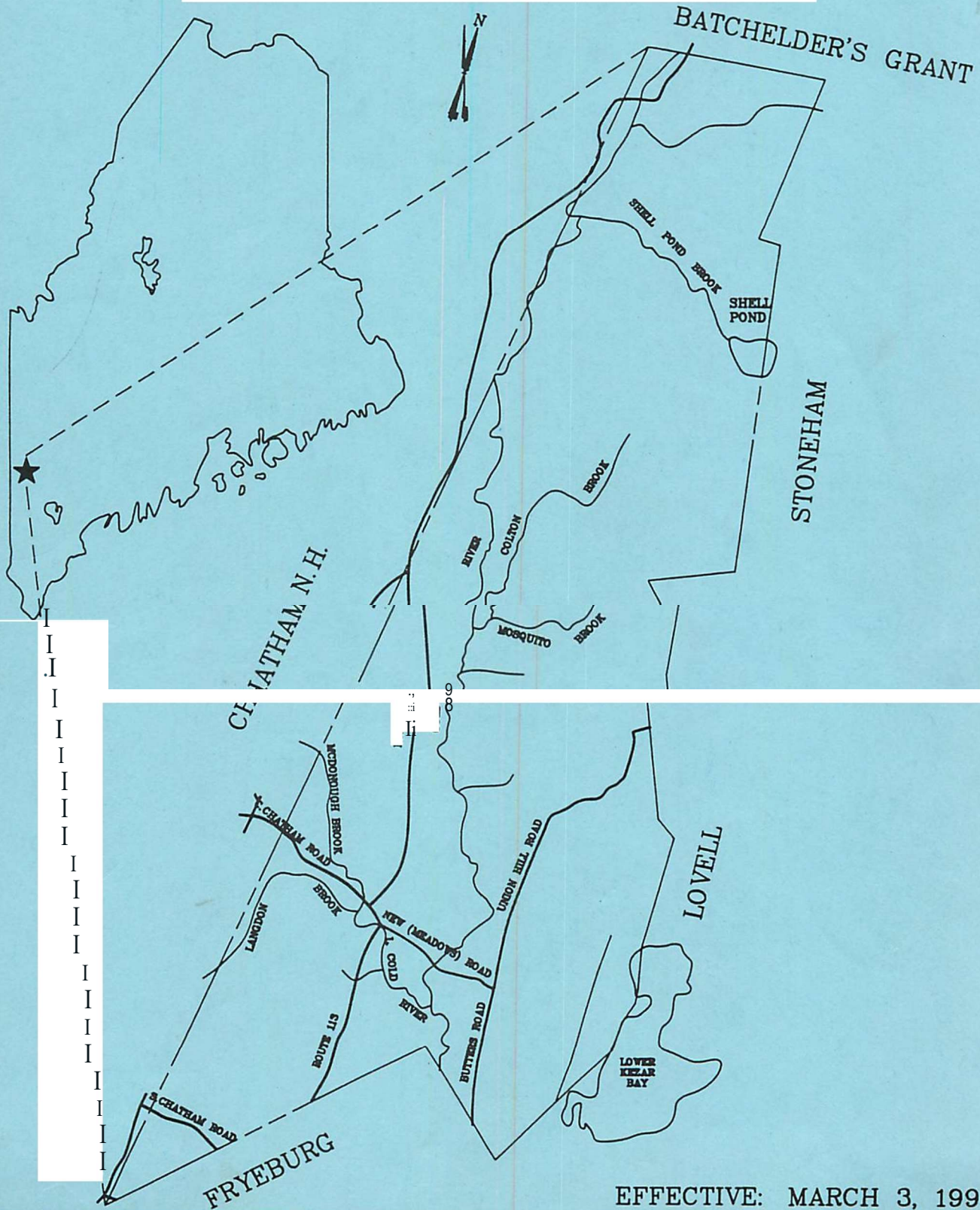


TOWN OF STOW, MAINE LAND USE ZONING ORDINANCE



EFFECTIVE: MARCH 3, 1990

Adopted: February 3, 1990

STOW ZONING ORDINANCE

Section 1. PURPOSES

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; prevent and control water, air, and noise pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; "control" building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland waters and natural beauty, and to preserve significant archaeological and historical sites.

This Ordinance does not grant any property rights, it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other applicable laws and regulations.

Section 2. DEFINITIONS - See Appendix.

Section 3. BASIC REQUIREMENTS

All buildings or structures hereinafter erected, reconstructed, altered, or moved, and uses of premises in the Town of Stow shall be in conformity with the provisions of this Ordinance.

Section 4. EFFECTIVE DATE

The effective date of this Ordinance is March 3, 1990. A certified copy of this Ordinance shall be filed with the County Registry of Deeds and the Maine State Planning Office, according to the requirements of state law.

Section 5. VALIDITY AND SEVERABILITY and CONFLICTS WITH OTHER ORDINANCES

- A. 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.
- B. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings or structures the provisions of this Ordinance shall control.

Section 6. AMENDMENTS

A. Initiation of Amendment

An amendment of this Ordinance may be initiated by:

- 1. The Planning Board provided a majority of the Board has so voted.

2. Request of the Municipal Officers to the Planning Board or,
3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the Municipality at the last gubernatorial election.

B. Adoption of Amendment

This Ordinance may be amended by a majority vote of the governing body.

C. Notification of Amendment

The Board of Environmental Protection and Land Use Regulation Commission shall be notified by Certified Mail, of amendments of this Ordinance, prior to the effective date of such amendments. A file of return receipts from such mailings shall be maintained as a permanent record.

Section 7. ZONING DISTRICTS - ESTABLISHMENT

To implement the provisions of this Ordinance, the Town of Stow is hereby divided into the following Districts:

1. Resource Protection District
2. Limited Residential District
3. General Residential & Development District

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Stow Zoning Map" dated March 22, 1986, or as defined by this ordinance and on file in the office of the Selectmen. The Official Zoning Map, and all future amendments thereto, is hereby made part of and incorporated into this Ordinance

Section 8. ZONING DISTRICTS - BOUNDARIES

- A. Unless otherwise set forth in the Official Shoreland Zoning Map, District boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. "Where uncertainty exists" as to exact location of District boundary lines, the Code Enforcement Officer shall make the initial determination as to the exact location of District boundaries. Any decision of the Code Enforcement can be appealed as specified in Section 14 I, the Board of Appeals shall be the final authority as to location.
- B. Where a District boundary line divides a lot or parcel of land under single ownership at the time of adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended up to 50 feet into the more restricted portion of the lot, subject to approval of the Planning Board as a Conditional Use and in accordance with the criteria set forth in

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Section 14, sub section J. Exception: The 50 foot extension does not apply to resource protection district boundaries.

Section 14 ZONING DISTRICTS - PURPOSE

A. Resource Protection District

The Resource Protection District is established so as to include areas in which development would adversely affect water quality, productive habitat, biotic systems, or scenic and natural values. This district shall include:

1. Shoreland other than limited residential and/or land wetland as defined in Section 14, or specifically areas rated as moderate to high value waterfowl areas by the Department of Inland Fisheries and Game, as of January 1, 1973.
2. Flood plains as defined by the 100 year flood or the flood of record or, in the absence of these, by soil types identifiable as recent flood plain soils.
3. Areas having sustained slopes greater than 25%, or unstable soil subject to slumping, mass movement, or severe erosion, when these areas are two or more acres in size.
4. Areas of hydric soils greater than 1 Acre.

This District may also include:

5. Other significant wildlife habitat.
6. Natural sites of significant scenic or esthetic value.
7. Areas designated by Federal, State or municipal governments as natural areas of significance to be protected from development; and
8. Other significant areas which should be included in this District to fulfill the purposes of this Ordinance.
9. Sites of significant historical or archaeological importance to the Town, region, or state.

B. Limited Residential District

1. The Limited Residential District shall be those areas as delineated on the Official Stow Zoning Map or as classified as shoreland zone as defined in section 2, except those areas classified as Resource Protection.
2. The Limited Residential District is established To control the use and development of undeveloped shoreland areas, as defined in Section 2, and to

provide maximum protection to the land and water resources so that;

- a. The process of accelerated nutrient enrichment of waterbodies, which almost always accompanied shoreland development, will be kept to a minimum; and
 - b. Waterbodies, particularly those with public access, will be maintained in a condition fit for the present and future use and enjoyment of the public.
3. To provide minimum standards, as a stopgap measure, until such time as research establishes precisely the susceptibility of various waterbodies to degradation, and the exact nature of the effects of shoreland development on that degradation process.
 4. To minimize expenditures of public monies for flood control projects.
 5. To minimize rescue and relief effort undertaken at the expense of the general public.
 6. To minimize flood damage to public facilities such as water mains, sewer lines, streets and bridges.
 7. To protect the storage capacity of flood plain and assure retention of sufficient floodway area to convey flood flows which reasonably can be expected to occur.
 8. To encourage open space uses such as agricultural and recreation.
 9. To control building sites.
- C. General Residential and Development District is created to allow maximum diversity of uses, while protecting the public health and safety, environmental quality and economic well-being of the Municipality, by imposing minimum controls on those uses which, by virtue of their external effects (waste discharge, noise, glare, fumes, smoke, dust, odors, or auto, truck, or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions.
1. The General Residential and Development District is any area within the Town of Stow not otherwise zoned as Resource Protection Zone or Limited Residential Zone.

Section 10. ZONING DISTRICTS - LAND USES

Land uses permitted in each District, in conformance with the land use standards of Section 13, are shown in the table, Appendix A.

Section 11. ZONING DISTRICTS - DIMENSIONAL REQUIREMENTS

A. Size Requirements

Lots in all Districts shall meet or exceed the following minimum requirements:

| <u>Minimum Lot Size Requirements= Conventional Developments</u> | | | |
|-----------------------------------------------------------------|------------------|-------------------------|---------------|
| District | Min Lot Size | Net Residential Density | Road Frontage |
| G.R. | 90,000 s.f. (1.) | 80,000 s.f./unit | 100 feet |
| L.R. | 90,000 s.f. (1.) | 90,000 s.f./unit | 200 feet |
| R.P. | N/A | N/A | N/A |

Minimum Lot Size Requirements - Multi-Family Developments, Cluster Developments and Elm

| District | Min Lot Size | Net Residential Density | Road Frontage |
|-------------|------------------|-------------------------|---------------|
| G.R. | 45,000 s.f. (1.) | 80,000 s.f./unit | 100 feet |
| L.R. | 60,000 s.f. (1.) | 90,000 s.f./unit | 200 feet |
| R.P. | N/A | N/A | N/A |

- (1.) Each proposed lot shall have at least 20,000 contiguous s.f. of suitable building area in the shape of a rectangle with the long dimension no longer than twice the length of the short dimension. Said rectangle of buildable area shall be capable of being inscribed within the setbacks of each lot and shall not include any resource protection on shoreland lands.
- (2.) Net Residential Density shall be the Net Residential **Average** divided by the proposed number of dwelling units. The Net Residential Acreage is calculated by the following formula: The total development area less:
 1. 15% for roads and easements.
 2. Land which is cut off from the main parcel by a road, existing land uses, or major stream so as to serve as a major barrier to common use, or so that it is isolated and unavailable for building purposes.
 3. Land shown to be in the floodway or coastal high hazard area of the Flood Insurance Rate Map (FIRM).
 4. Other areas which are unsuitable for development in their natural state because of topography, drainage or subsoil conditions. Specific conditions include but are not limited to:
 - (i) Areas of internal ponds, lakes, or stormwater management ponds
 - (ii) Slopes in excess of 25%
 - (iii) Hydric soils.
 5. Resource Protection Districts.

Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a

traditional subdivision.

B. Minimum Frontage

1. All buildable lots shall have at least 100 linear feet of contiguous frontage along a public or private road, providing that the road used as frontage meets or exceeds the standards set forth in the Town of Stow Road Acceptance Ordinance.
2. Where lots are located on a cul-de-sac, the frontage shall be measured at the setback line, providing that the actual length of road frontage shall not be less than 66 feet.
3. The minimum width of any lot shall be 66 feet in the General Residential Zone and 200 feet in the Limited Residential Zones.
4. Lots within cluster or planned unit developments may be allowed a 50% reduction in frontage at the planning boards discretion.
5. Where a planning unit development proposes that all land area outside of building footprints or unit edges are to remain in common or in the case of condominium developments, or where a development proposes no individual lots, then frontage requirements are waived.
6. Any lot abutting a lake, pond or river shall have a minimum shore frontage of 200 feet as measured in a straight line between points of intersection of the side lot lines with the shoreland at the normal high water elevation.
7. Easements and right-of-ways may not be counted as frontage. Any frontage may not be counted for more than one lot.
8. Any lot with less than the required frontage shall be considered a non-building lot unless said lot is grandfathered under the conditions of this ordinance or the lot can be classified **as a** back lot under the requirements of this ordinance.

C. Minimum Setback Dimensions

1. All principal structures and necessary buildings shall meet the following setback requirements and a maximum building height of 35'.

General Residential

| | Conventional | Multi-Unit (1.) |
|---------------------------|--------------|-----------------|
| Front Yard Setbacks | 75' | 100' |
| Side Yard Setbacks | 30' | 50' |
| Rear Yard Setbacks | 50' | 75' |
| Setbacks from Waterbodies | 100' | 100' |

Limited Residential

Conventional Multi Unit (1.)

| | | |
|--------------------------|------|------|
| Front Yard Setbacks | 100' | 125' |
| Side Yard Setbacks | 75' | 100' |
| Rear Yard Setbacks | 75' | 100' |
| Setback from Waterbodies | 250' | 250' |

(1.) Perimeter boundary's only.

2. A 50% reduction in setbacks from interior lot lines in cluster developments or Planned Unit Developments may be allowed. Exterior setback requirements and setbacks to waterbodies are excluded from the 50% reduction.

D. Maximum Impervious Cover

- Structures shall not cover more than 20% of any lot.
- The Gross Impervious Cover on any lot shall not exceed 40% of the total lot area.
- The Gross Impervious Cover of any development (including but not limited to internal roads and amenities) shall not exceed 50% of the Net Residential Acreage.

E. Multiple Buildings

- If more than one principal building or dwelling unit, or accessory structure (Portable garages, Greenhouses, Pole barns, sheds open or closed) is constructed on a single lot, all dimensional requirements shall be met separately for each such principal building or dwelling unit.
- No more than one dwelling unit will be permitted per lot, without Planning Board Approval. Only one dwelling unit will be allowed per conforming lot under 120,000 s.f. in size. One additional dwelling unit will be permitted for lots which are 120,000 s.f. in size and larger. More than two dwelling units on a single parcel will be considered as a multi-family or Planned Unit Development.

F. Access to Roads

- Any multi-housing complex, planned-unit development, cluster development, condominium development, single family dwelling, temporary/permanent entrances, logging entrances or subdivision consisting of 3 or more lots shall have access provided by a public or private road as defined by the Town of Stow Road Acceptance Ordinance.

G. Back lots:

- The objective to allow a limited number of back lots was desired to:
 - Make available desirable building sites which

otherwise might not be available due to the unreasonable cost of providing cost of providing roads and required frontage.

- b. Allow for diversity in living patterns.
 - c. Allow for creation of back lots under a common standard to assure reasonable access and protection of public health and safety and to provide public services to such back lots.
2. Back lots may be approved by the Planning Board in the General Residential and Limited Residential Districts. A back lot is a lot without required frontage or a public or private road, which may be used for the construction of one single family dwelling unit and associated accessory structures providing the following requirements are met:
- a. The lot is at least 90,000 s.f. in size exclusive of the right-of-way or easement providing access.
 - b. Said back lot meets all other dimensional requirements of this or other ordinances.
 - c. Only one back lot will be allowed to be created from an existing building lot which exists at the time this ordinance is adopted.
 - d. The parent lot does have the required frontage on a public or private road.
 - e. The proposed back lot is provided access from a public or private road by a legally recorded (in the Oxford County Registry of Deeds) easement or right-of-way.
 - f. Easement or right-of-way meets the following requirements:
 - Easement or right-of-way shall be at least 66 feet wide and shall meet the geometrical requirements of the Town of Stow Road Acceptance Ordinance.
 - The proposed easement or right-of-way does not make the parent lot non-conforming.
 - Easement or right-of-way will no longer be counted as frontage or as area for the parent lot.
 - Easement or right-of-way may be used for no more than two back lots until such time that the easement or right-of-way is brought up to town road standards.

H. Accessory Apartments

- 1. One accessory apartment will be permitted for each conforming lot. To be considered an accessory apartment, the living quarters may have one private bath or one kitchen facility but not both. Any apartment which maintains both a private bath and kitchen will be considered a dwelling unit for the

purpose of this ordinance. In addition, accessory apartments must meet the following conditions:

- a. The apartment should maintain the exterior character of the principle building and should maintain a subordinate use relative to the principle structure. Access to the accessory apartment shall be through the principle structure although an additional exterior entrance is permitted.
- b. Prior to issuance of a building permit for accessory apartments the applicant shall provide proof that the proposed use is in compliance with the State of Maine Plumbing Code; that the existing septic field, if not to be expanded, is in proper working order; and that all other State, Federal or Local codes have been met.
- c. Accessory Apartments shall not be converted into dwelling units without approval of the Planning Board.

Section 12. ZONING DISTRICTS-NON-CONFORMING USES

- A. Any lawful use of building, structures, premises, land or parts thereof existing at the effective date of this Ordinance or amendments thereto and not in conformance with the provisions of this Ordinance shall be considered to be a non-conforming use.
- B. Any non-conforming use may continue and may be maintained, repaired, and improved. No such non-conforming use, or renewed after it has been discontinued for a period of 12 calendar months or more, without a Conditional Use Permit from the Planning Board in accordance with the criteria set forth in Section 13, subsection J.
- C. Whenever a non-conforming use is superseded by a permitted use, the non-conforming use may not thereafter be resumed.
- D. A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area or dimensional requirements of the District in which it is located may be built upon provided that such lot is not adjoined by other land of the same ownership and that all other provisions of the Ordinance shall be met. Variance of yard or other dimensional requirements shall be obtained only by action of the Board of Appeals.
- E. Nothing in this Ordinance shall prohibit the installation of sanitary waste disposal or treatment and discharge systems where such systems conform to the current State Plumbing Code and have received any necessary permits from the Department of Environmental Protection provided that this Subsection shall only permit installation of systems attached to structures in existence prior to the adoption of this Ordinance.

F. Creation of Non-conforming lots:

This ordinance does not prohibit the creation of non-conforming lots for purposes other than building lots (such as wood lots, open space, common land, parks, etc.) Any non-conforming lot created after the adoption of this ordinance may not be used as a buildable lot until such time it becomes a conforming lot. Any non-building or non-conforming lot which is part of an approved subdivision, said lot shall be clearly identified as such, both on the plan and on recorded documents.

Section 13. LAND USE STANDARDS

All land use activities shall conform to the following applicable land use standards.

A. Agriculture

1. All Agricultural Land Uses within Shoreland Zones shall be in conformance with the Town of Stow Shoreland Zoning Ordinance.

B. Beach Construction

Beach construction on any great pond or coastal wetland shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Commissioner of the Department of Inland Fish and Game, as required by law.

C. Campgrounds

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

1. Camping areas shall contain a minimum of 5,000 sq. ft. of suitable land, not including roads and driveways, for each site.
2. The area intended for placement of the recreational vehicle, tent, or shelter and utility and service buildings, shall be set back a minimum of 200 feet from the normal high water mark of any pond, river, or fresh water body as defined; and 100 feet from tributary streams.

D. Timber Harvesting and Clearing

1. All Timber Harvesting within Shoreland Zones shall be in conformance with the Town of Stow Shoreland Zoning Ordinance.

E. Erosion and Sedimentation Control

Filling, grading, lagooning, dredging, earth-moving activities of over 1000 cubic yards per 12 calendar months, developments and road construction within the

shoreland zone shall require a permit from the Planning Board. All approved construction shall be performed in such a manner so as to minimize soil erosion, sedimentation or otherwise degrade the surface waters of the State of Maine. Applications for such permits shall include a soil erosion and sediment control plan and closure plan. The Planning Board reserves the right to require Soil Erosion and Sediment Control Plans and/or Closure Plans to be reviewed by the Oxford County Soil and Water Conservation District.

F. Mineral Exploration

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations.

G. Piers, Docks, Wharfs, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length, and Uses Projecting into Water Bodies

In addition to Federal or State permits which may be required for such structures and uses; or the requirements of the town of Stow Shoreland Zoning Ordinance; these uses shall conform to the following:

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with developed beach **areas**.
 - The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the **area**.

H. Road Construction

1. Roads shall be located, constructed, and maintained in accordance with the Town of Stow Road acceptance ordinance.

I. Sanitary Standards

1. Subsurface Sewage Disposal

A. Soil Conditions

1. All subsurface sewage disposal systems shall be located in areas of suitable soil of at least 1,000 square feet in size.
2. All sanitary waste disposal systems shall conform

to the current State-Plumbing Code. A soils report prepared by a Maine Licensed Site Evaluator or Soil Scientist shall be required prior to the application for any Planning Board Permit unless **waived** by the Planning Board.

B. Setback

The minimum setback for new subsurface sewage disposal systems, except replacement systems shall be no less than one hundred feet (100') from the normal high water line of a water body, except that the septic tank may be located seventy-five feet (75') from the normal high water line if tested and found to be water tight in the presence of the local plumbing inspector. Minimum setbacks for new subsurface sewage disposal systems in Shoreland Zones shall not be reduced by variance.. Where daily sewage flow exceeds 2,000 gallons, the minimum setback shall be 300 feet from any shoreline. All other setback requirements of the State Plumbing Code shall be met in full. Setbacks from shorelines for all surface sewage disposal facilities shall not be reduced by variance.

- C. Replacement systems shall meet or exceed the Standards for replacement systems as contained in the Maine plumbing Code.
- D. The Planning Board reserves the right to require hydrogeologic or other studies on models which will provide reasonable proof that any subsurface discharge of sewage effluent will not have any significant impact on the ground-water quality or quantity. For the purpose of this ordinance, ground-water shall meet the national drinking water standards when it leaves the site. The burden of proof shall rest solely with the applicant and any cost incurred by the Planning Board or the Town of Stow as a result of additional engineering studies that may be required to verify information supplied shall be paid for by the applicant.

2. Privies

Privies may be permitted in areas not served by community sewer facilities under the following conditions:

- a. No plumbing of any kind shall be connected to or discharged into the privy pit.
- b. The privy shall be located at a minimum horizontal distance of 100 feet from the normal high water mark of a waterbody.
- c. The bottom of the privy pit shall be at least two feet above bedrock and the ground water table at its highest point during the year or have a water-tight vault.

- d. Privies shall not be permitted on recent flood plain soils.

3. Other Systems

Other systems of sanitary waste disposal may be permitted after approval by the Maine Department of Health and Welfare, and after a permit has been issued by the Planning Board.

J. Signs

The following provisions shall govern the use of signs in the Town of Stow.

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed 10 square feet, and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not rendered on the premises shall be prohibited.
2. Name signs shall be permitted, providing such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over six (6) square feet in **area** relating to the sale, rental, or lease of the premise.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. No sign shall extend higher than ten (10) feet above the ground.
6. Signs may be illuminated only by shielding, non-flashing lights.

K. Soils

1. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report, prepared by a State-certified soil scientist or Site Evaluator based on an on-site investigation. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.
2. All major subdivisions shall be required to submit a High Intensity Soils Survey. The Planning Board reserves the right to require additional Subsurface

investigations for Conditional use Permits.

3. The Planning Board reserves the right to require the applicant of any development to provide a soil erosion and sediment control plan endorsed by the Oxford County Soil and water Conservation District.

L. Structures

1. All principal structures in the Resource Protection and Limited Residential-Recreational Districts shall be set back at least 100 feet from normal high water mark of any pond, river, or salt water body as def.
2. The first floor elevation or openings of all buildings and structures shall be elevated at least two feet above the elevation of the 100 year flood, the flood record or, in the absence of these, the flood as defined by soil types identifiable as recent flood plain soils.

M. Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated, liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or **wash** into surface or ground waters as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

N. Planned Unit Developments, Cluster Developments, Condominiums and Multi-Family Developments.

1. Purpose

The purpose of these provisions •is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed.

2. Basic Requirements

Planned Unit Developments, Cluster Developments, Condominiums and Multi-Family Development shall meet all of the following criteria:

- a. All requirements for residential developments, shall be met.
- b. The minimum area of land in a Planned Unit Development or Cluster Development shall be 10 acres.
- c. In no case shall shore frontage be reduced below

the minimum shore frontage normally required in the District.

- d. All common land for recreational or conservation purposes shall be owned jointly or in common by the owners of the building lots, by a trust or association which has its principal purpose in the conservation or preservation of land in essentially its natural condition, or by the Municipality.
- e. Further subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited.
- f. Where a planned unit development or cluster development abuts a water body, a portion of the shoreline as well as reasonable access to it, shall be a part of common land.
- g. P.U.D.'s, Cluster Developments, condominiums and multi-family developments shall have vegetated buffers along all side and rear property lines.

O. Public Access

- 1. Where major Subdivisions abut a waterbody, a portion of the shoreland, as well as reasonable access to it, shall be a part of the common land. Reasonable public access to great pond shorelines, significant bogs, marshes and all rivers shall be a part of the common land.

P. Small Business and Home Occupations

- 1. Home Occupations, as defined in this ordinance, are permitted in the General Residential and Limited Residential zones without a Conditional Use Permit.
- 2. Small business, as defined in this Ordinance are permitted in the General Residential and Limited Residential Zones provided that a Conditional Use Permit is obtained. Conditional Use Permits for small business may be obtained from the Code Enforcement Officer provided that the following Conditions are met:
 - a. The building or use shall be located at least 120 feet from any existing abutting dwelling unit.
 - b. All proposed small business shall be in conformance with all State and Federal Regulations.
 - c. Any small business in legal operation at the time of the adoption of this Ordinance may continue to operate without a Conditional Use Permit.
 - d. All small business will be allowed a one-time 25% increase in floor space, even if such increase exceeds 2000 s.f., without a Conditional Use Permit.

- e. Any business which does not meet the conditions set forth above will require a Conditional Use Permit.
- f. Adequate screening and/or buffers shall be provided to minimize impacts on abutting properties.
- g. In addition, If in the opinion of the Code Enforcement Officer no impact on surrounding neighborhoods will be realized from the proposed use, the Code Enforcement Officer may issue the Conditional Use permit.
- h. However, if, in the opinion of the Code Enforcement Officer, the proposed use will have an adverse impact on the neighborhood where the use is to be located, the Code Enforcement Officer can request the Applicant to apply for a Conditional Use Permit from the Planning Board, and a Public Hearing will be called.

Section 14. ADMINISTRATION

1. Enforcement

This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Municipal Officers.

2. Building or Use Permit

- a. All applications for Building or Use Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose.
- b. Within seven days of the filing of an application for a Building or Use Permit, the Code Enforcement Officer shall approve, deny or refer to the Planning Board all such applications. His decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer's decision shall be filed in the Municipal Office. In cases where the Code Enforcement Officer deems that a Conditional Use Permit is required, he shall also provide a copy of his decision to the Planning Board within seven (7) days.
- c. No Building Permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent, until proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an acceptable soils report by a licensed Site Evaluator or Soil Scientist, if applicable, the exact location and size of all buildings or structures to be constructed, together with the

lines within which all buildings and structures are to be constructed the existing and intended

use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance_.

- d. Applications for permits with their accompanying plans and Building Permits shall be maintained as a permanent record by the Municipal Officers or the Code Enforcement Officer.
- e. A Building Permit secured under the provisions of this ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted, and if the work or change is not substantially completed within two years of the date on which the permit is granted.

3. Plumbing Permit Required

No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid Plumbing Permit has been secured by the applicant or his authorized agent in conformance with the sanitary provisions of this Ordinance and the Maine State Plumbing Code.

4. Fees

No¹Building Permit shall be issued without payment of a fee according to the following schedule:

| Use | Under | | |
|------------------------------|----------------|----------------|----------------|
| | 800 sf | 800-1200 sf | Over 1200 sf |
| Garage or Accessory Building | \$50 | \$50 | \$50 |
| Mobile Homes | \$ 1 1 0 | \$ 1 1 0 | \$110 |
| Residences | \$0.20/Sq. Ft. | \$0.20/Sq. Ft. | \$0.20/Sq. Ft. |

Commercial Buildings and Multi-Family: \$0.25/SQ. Ft.

Other Permit Fees:

- Conditional Use Permits: \$35 plus \$7/abuttor notice
- Other Permits: \$35
- Applicants for Board of Appeals: \$35 plus \$7/abuttor notice
- Subdivision Applications: Minor: \$35 plus \$7/abuttor notice
- Major: \$50 plus \$10/lot

5. Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any

provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation and ordering the action necessary to

correct it. He shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

6. Legal Action and Violations

When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Municipal Officers, either on his own initiative, or upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the said Municipality.

7. Fines

Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor and on conviction shall be fined not less than \$5.00 and not more than \$100.00. Each day such a violation is permitted to exist after notification shall constitute a separate offense.

8. Appeals and Conditional Permits

- a. All appeals or applications for Conditional Use Permit shall be based upon a written decision of the Code Enforcement Officer.
- b. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.
- c. Except where specified otherwise in this Ordinance, All applications for Conditional Use Permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.
- d. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to State Law.

9.0 Board of Appeals

a. Establishment

A Board of Appeals is hereby established in accordance with State law and the provisions of this Ordinance.

b. Appointment and Composition

The Board of Appeals shall be appointed by the Municipal Officers and shall consist of five members, all of whom shall be legal residents of the municipality, serving staggered terms of at least 3 and not more than 5 years. The Board shall elect annually a chairman and secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of 3 members.

A Municipal Officer may not serve as a member.

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, except the member who is being challenged.

A member of the Board may be dismissed for cause by the Municipal Officers upon written charges and after public hearing.

c. Powers and Duties

Administrative Appeals: to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by concurring vote of at least 3 members of the Board.

Variance Appeals: to hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures of dimensional requirements of lots. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Zoning District or uses in adjoining Zoning Districts. The Board of Appeals shall grant a variance only by concurring vote of at least 3 members and in so doing, may prescribe conditions

and safeguards as are appropriate under this Ordinance.

d. Appeal Procedure

In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within 30 days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a public **hearing** on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.

In appeals involving the use of buildings or premises, the Board of Appeals shall notify by certified mail the appellant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing.

In the case of appeals involving space and bulk regulations or interpretation, the Board of Appeals shall notify by certified mail the appellant and only the owners of property abutting the property for which an appeal is taken, at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or waterbody from the property for which the appeal is made.

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 Board of Appeals.

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

The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other materials he deems appropriate for an understanding of the appeal.

The appellant's case shall be heard first. To

maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

Within 20 days of the public hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board, and the Municipal Officers of its decision and its reasons therefor.

Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Building Permit in accordance with the conditions of the approval.

A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, and if the work or change is not substantially completed within two years.

10. Conditional Use Permits

a. 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.

b. Powers and Duties

The Planning Board shall hear and approve, approve with modifications or conditions, or disapprove all applications for Conditional Use Permits. No Conditional Use Permit shall be authorized unless specific provision for such Conditional Use is made in this Ordinance.

c. Application Procedure

A person informed by the Code Enforcement Officer that he requires a Conditional Use Permit shall file an application for the permit with the Planning Board on forms provided for the purpose.

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 30 days. The Planning Board shall notify the Code Enforcement Officer, Municipal Officers, and the Board of Appeals, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation the area.

The Board shall notify by certified mail, the

applicant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the nature of the application and of the time and place of the public hearing.

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.

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

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

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

Within 20 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 its reasons therefore.

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.

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 one year of the date on which the Conditional Use is authorized, and if the work or change is not substantially completed within two years.

- d. Factors Applicable to Conditional Use: In considering a Conditional Use Permit the Planning Board shall evaluate the immediate and long-range effect of the proposed use upon;
1. The maintenance of safe and healthful conditions.
 2. The prevention and control of water pollution and sedimentation.
 3. The control of building sites, placement of structures and land uses.
 4. The protection of spawning grounds, fish, aquatic life, bird and other wildlife habitat.
(more)

5. The conservation of shore cover, visual as well as actual points of access to inland waters and natural beauty.
- e. The Planning Board shall also consider the following factors:
1. The compatibility of the proposed use with adjacent land uses.
 2. The need of a particular location for the proposed use.
 3. Access to the site from existing or proposed roads.
 4. The location of the site with respect to flood plains and floodways of rivers or streams.
 5. The amount and type of wastes to be generated by the proposed use and the adequacy of the proposed disposal systems.
 6. The impact of the proposed use on the land and adjacent water bodies and the capability of the land and water to sustain such use without degradation.
 7. Existing topographic and drainage features and vegetative cover of the site.
 8. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 9. The impact of the proposed use on transportation facilities.
 10. The impact of the proposed use on local population and community facilities.
 11. The impact of the proposed use on local water supplies.

February 3, 1990

DEFINITIONS: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure", and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". Terms not defined shall have the customary dictionary meaning. Other terms shall be defined as follows:

1. Accessory Building or Use: A subordinate building or use customarily incidental to, and located on the same lot with, the principal building or use, including farm markets for the sale of agricultural products which are produced on the lot. A deck or extension of the principle structure or a garage attached to the principle structure by a roof or common wall is considered part of the principal structure and shall require a permit from the same authority as required for the principal structure.
2. Accessory Apartment: An apartment which is subordinate to the primary residence to which it is attached and access to the apartment is via the principle residence and, said accessory apartment may have a bath or a kitchen but may not have both. Apartments which have individual baths and kitchens within the unit shall be considered dwelling units.
3. Aggrieved Party: An Owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five (5) or more citizens of the municipality who represent an interest adverse to the granting or denial if such a permit or variance.
4. Agriculture: The use of a tract of land for commercial purposes for cultivation and the production of crops, truck gardening, nurseries or greenhouses, or any allied industry, but exclusive of animal husbandry and exclusive of private gardens less than 1/2 acre.
5. Airport, Private, Personal Use: An airstrip restricted to use by the airstrip owner or lessee, and on an occasional basis, by his invited guests;
6. Animal Husbandry: The keeping of animals for commercial purposes, including dairying, stock raising, poultry raising, and breeding.

7. Aquifer: A geologic formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water.
8. Aquifer Recharge Area: Land area composed of soil or rock that is significantly permeable to allow infiltration and percolation of surface water into an aquifer.
9. Backlot: A lot which does not abut or front on a public road, and where access to the road is by a private right of-way, at least sixty-six feet (66') in width.
10. Basement: That portion of a building which is partly above grade and partly below grade, and having one-half or more of its height above grade.
11. Bed and Breakfast: A lodging facility which maintains a common eating facility for its guests only.
12. Boarding or Retirement Home: Any dwelling in which lodging is offered for compensation to four or more persons either individually or as families with or without meals.
13. Building: Any structure used or intended for supporting or sheltering any use or occupancy.
14. Building Area: Total of areas taken on a horizontal plane at the m in finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.
15. Building Height: Vertical distance measured from the average elevation of the proposed finished grade of the building to the highest point of the roof.
16. Building Inspector: The inspector of buildings for the Town of Stow or any person duly authorized by the selectmen to perform inspection services for the Town of Stow.
17. Campground: Any area or tract of land used for commercial purposes for which fees are charged to accommodate two (2) or more parties in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters. The word "Campground" shall also mean "tenting grounds" and "trailer parks".
18. Campsite: An area of land not associated with a commercial campground, but which is used for transient or similar temporary occupancy by one tent, recreational vehicle or shelter.

19. Cellar: That portion of a building that is partly or completely below grade and having at least one-half its height below grade.
20. Clinic: An office building used by members of the medical professions for the diagnosis and out-patient treatment of human ailments.
21. Club, Private: Building -Or use catering exclusively to club members and their guests for recreational purposes, and not operated primarily for profit.
22. Cluster System: A subsurface sewage disposal system that receives the effluent from two or more house units, individual homes, or systems in excess of 600 gallons per day.
23. Cluster Subdivision: A residential subdivision wherein each principle building does not occupy a lot meeting the minimum dimensional requirements of this Ordinance for the district in which it is located, but where the overall net residential density meets or exceeds the required Net Residential Density required for the District in which the Subdivision lies.
24. Commercial Use: The use of lands, buildings, or structures other than "Home Occupations" as defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or serices, exclusive of rental of residential buildings, and/or dwelling units.
25. Conditional Use: A use that would not be appropriate generally or without restriction throughout the land use district but which, if controlled as to number, **area**, location, or relation to the neighborhood, would promote the Public safety, health, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare of the residents of the Town of Stow. Such Uses, where specific provision for such condiiotnal use is madein this Ordinance.
26. Condominium: A type of real estate ownership in which the interior space of individual units are owned separately and all of the rest of the property is owned in common by all of the owners of individual units.
27. Coverage: That percentage of the lot area covered by impervious materials, including but not limited to drives, buildings, sidewalks, etc.
28. District or Zoning District: A section or sections of the Town of Stow for which regulations governing the use of buildings and premises, the size of yards, and intensity of use are uniform.

29. Driveway: Any way, route, access, easement or right-of-way that serves a single-family dwelling, duplex or otherwise less than three dwelling units.
30. Dwelling, attached: A dwelling which shares a common wall with one or more other dwellings, and which has independent outside access.
31. Dwelling, detached: A dwelling which is physically separate from any other building, including manufactured housing which is composed of two or more sections joined lengthwise, with the exception of accessory buildings.
32. Dwelling Unit: A group of rooms forming a habitable unit for one family with facilities used or intended to be used for living, sleeping, cooking and eating, the total floor area for which is not less than 600 square feet.
33. Emergency Operations: Emergency operations shall include operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.
34. Essential Services: Gas, electric, communication facilities, steam, fuel or water supply, transmission, or distribution systems.
35. Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than 5 persons, as distinguished from a group occupying a boarding house, lodging house, or hotel.
36. Flood Insurance Rate Map: That map identifying areas of special flood hazard within the Town of Stow prepared by the Federal Emergency Management Agency (FEMA), as most recently revised, approved and effective.
37. Floor Area: The footprint of all roof portions of a structure enclosed by exterior walls, as measured from the exterior faces of these walls, plus the footprint of any unenclosed portions of a structure such as porches, decks and patios.
38. Forest Management Activities: Timber cruising and other forest resources evaluation activities, pesticide or fertilizing 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 maintaining of roads.

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39. Garden Apartment: A multi-family dwelling in which units share a common outside access. Garden apartment buildings may have dwelling units on two levels, and each unit has secondary outside access by way of a patio or porch. Entrance drives, parking areas, open space and any recreational facilities are shared in common by all occupants.
 40. Gasoline Station: Building or land that is used for the sale of motor fuel, oil, and motor vehicle accessories, and servicing motor vehicles, and which may include facilities for lubricating or washing, but not including painting, major repairs, storage of vehicles or sales of vehicles.
 41. 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 is completely surrounded by land held by a single owner and except for those privately owned inland bodies of water which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.
 42. Groundwater: All water found beneath the surface of the earth.
 43. Guest House: A separate single family dwelling intended for the private use of the property owner and located on the same parcel as the principal residential structure. A guest house shall not be leased or rented to non-family member.
 44. Hazardous Waste: Any substance or materials which are gaseous, liquid, semi-solid or solid, and which are designated as hazardous by the United States Environmental Protection Agency in regulations which have been proposed or finally promulgated pursuant to the United States Resource and Recovery Conservation Act, Public Law 94-580 and amendment to the Act; and any substance classified as a hazardous waste as defined in 38 MRSA Chapter 13, Subchapter 1.
 45. Heliports, Private, Personal Use: A heliport restricted to use by helipad owner or lessee, and on an occasional basis, by his invited guests.
 46. Home Occupations: Accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character thereof.
 47. Hospital: Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis, treatment of human

ailments.

48. Hotel: A building containing individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation, and in which access to all rooms is made through an inside office or lobby.
49. Hydric Soils: Any soil classified as Hydric under the State of Maine or by the Soil Conservation Service or by a State of Maine Licensed Soil Scientist.
50. Impervious Cover: All land area surfaces covered by **gravel**, pavement, buildings, sidewalks, etc; which essentially prohibit the infiltration of surface water into the ground.
51. Inland Wetland: Areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including but not limited to swamps, marshes, or bogs.
52. Junk Yard: As defined by 30 M.R.S.A., Section 2451, B.
53. Kennel: Any premises used for the harboring of more than three dogs that are more than 6 months old.
54. Landscaped Buffer or Buffer Zone: An area of existing vegetation to be retained for the purpose of maintaining privacy, sound buffering and screening of a particular parcel, lot, subdivision, development or use.
55. Leachable Material: Liquid or solid materials including solid wastes, sludge, and agricultural wastes that are capable of releasing water-borne contaminants into the groundwater.
56. Light Manufacturing: An establishment which is engaged in the mechanical transformation of materials into new products, including the assembling of component parts, and which has the following characteristics:
 1. Does not create any offensive smoke, dust, odor, or other unhealthy or offensive air-borne discharge;
 2. Does not create any offensive noise or vibration;
 3. Does not include any outdoor storage of equipment or material, and;
 4. Is designed so that the external appearance of any building is compatible with the neighborhood in which it is located.
57. Lodging Facility: A motel, hotel, inn, rooming house, housekeeping cottages or cabins, tourist homes, bed and breakfast or like facility designed for transient occupancy.

58. Loading Space: Off-street used for the temporary location of one licensed motor vehicle, which is at least twelve feet wide and forty feet long and fourteen feet high, not including access driveway, and having direct access to a street or alley.
59. Lot: A tract or parcel of land, in the same ownership, provided that parcels located on opposite sides of a public or private road shall be considered each a separate tract or parcel unless such road was established by the owner of the parcels on both sides thereof.
60. Lot Area: Total horizontal area within the property lines excluding any part thereof lying within the boundaries of a public street, or proposed public street.
61. Lot, Corner: Lot which has an interior angle of less than 135 degrees at the intersection of two streets. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle less than 135 degrees.
62. Lot Frontage: Distance measured along a public or private right-of-way, or in the case of a lot abutting a cul-de-sac, the distance measured along the setback line.
63. Lot Line: Property line bounding a lot.
64. Lot Size: See Lot Area.
65. Marina: A publicly or privately-owned facility that serves five (5) or more boats as a commercial enterprise or in association with a club and which provides for one or more of the following: boat storage, boat launching, sale of marine supplies and services, bait and tackle shops, marine fuel services, watercraft sales and related accessories, related mooring, docking and slip facilities, rental docking or tie-up services, related piers and floats.
66. Manufactured Housing and Mobile Homes: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site.

The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. They are:

- (1) 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 the traveling mode, are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained there; except that the term shall include any structure which meets all the requirements of this paragraph; except the size requirements and with respect to which the manufacturer voluntarily files a 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 States Code, Title 42, Section 5401, et seq.; and
- (2) Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

67. Market Value: An appraisal of value based on the current market demands.

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

69. Mineral Extraction: Any operation engaged in the removal of more than one hundred (100) cubic yards in any twelve (12) month period; of soil, topsoil, loam, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation away from the extraction site.

70. Mobile Home Lot: A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

71. Mobile Home Park: A parcel of land which has been planned and improved for the placement of mobile homes

for non-transient use.

72. Minimum Lot width: The narrowest point of a lot measured between side lot lines.
73. Motel: Building containing rooms which are rented as a series of sleeping units for transients, each sleeping unit consisting of at least a bedroom and bathroom.
74. Motor Vehicle Sales Showroom: Enclosed establishment for the display and sale of new and/or used motor vehicles, trailers, mobile homes, and boats.
75. Multi-family: Any residential building or group of buildings that contain three or more residential dwelling units.
76. Municipal Uses or Buildings: Any use or building maintained by the Town of Stow.
77. Municipal Officer: Any member of the Board of Selectmen of the Town of Stow.
78. Municipal Official: Any member of any Board appointed by the Board of Selectmen or duly elected member of any Board of the Town of Stow, any administrative employee of the Town of Stow.
79. Net Residential Acreage: The portion of a total development site which could be developed in useable individual house lots. Net residential acreage shall be determined by subtracting from gross acreage available the following: •
 1. 15% for roads and easements.
 2. Land which is cut off from the main parcel by a road, existing land uses, or major stream so as to serve as a major barrier to common use, or so that it is isolated and unavailable for building purposes.
 3. Land shown to be in the floodway or coastal high hazard area of the Flood Insurance Rate Map (FIRM).
 4. Other areas which are unsuitable for development in their natural state because of topography, drainage or subsoil conditions. Specific conditions include but are not limited to:
 - (i) **Areas** of internal ponds, lakes, or stormwater management ponds
 - (ii) Slopes in excess of 25%
 - (iii) Hydric soils.
 5. Resource Protection Districts.

Where the Planning Board determines that the extent of unsuitability in a specific case requires interpretation it shall be guided by whether or not the potential unsuitable area in its natural state could be incorporated into a minimum size developable lot in a

traditional subdivision.

80. Net Residential Density: The Net Residential Acreage divided by the total number of proposed dwelling units.
81. Non-conforming lot: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, width, density or depth requirements of the district in which it is located.
82. Non-conforming Structure: A structure that does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took affect.
83. Non-conforming use: A use of buildings, structures, premises, land or parts thereof that is not permitted to be located in the district in which it is situated, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.
84. Normal High Water Mark: That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to pr dominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.
85. Nursing Home: Any dwelling_ in which three (3) or more aged, ill, chronically ill or incurable persons are housed and furnished with meals and nursing care for compensation.
86. Open space: Undeveloped land, including without limitation, woodland, fields and agricultural land.
87. Owner: Any person, firm, corporation or other legal entity which controls a parcel of land by a fee or fee title, or is party to a valid contract or option to purchase said title.

88. Parking Lot: An off-street area for greater than three cars.
- 89. Parking Space:** Off-space used for the temporary location of one licensed motor vehicle, which is at least nine feet wide and twenty-two feet long, not including access driveway, and have direct access to a street or alley.
90. Permitted Use: A use specifically allowed in a zoning district, excluding non-conforming uses and special exceptions.
91. Personal Services: Businesses providing services of a personal nature, such as barber, hairdresser, beauty parlor, shoe repair, shoe shine, laundry, or photographic studio.
92. Piers, Docks, Wharves and other Structures Lying in or Projecting into water bodies:
- A. TEMPORARY: Structures which remain in the water for less than seven (7) months in any period of twelve (12) consecutive months.
- B. PERMANENT: Structures which remain in the water for seven (7) months or more in any period of twelve (12) consecutive months.
93. Piggery: A building or portion thereof, or an enclosure, used or designed for the keeping of more than five pigs more than six months old.
94. Pond: Any inland body of water
95. Principal Structure or use: A building or use other than one which is wholly incidental or accessory to another building or use on the same premises.
96. Privy: A pit in the ground into which human excrement is disposed.
97. Professional Office: A building singularly use for the individual or group practice of doctors, lawyers, dentists, optometrists, architects, engineers, accountants, Realtors, insurance agents, or a building used for the branch office of a bank.
98. Public Access Area: An area adjacent to the shoreline, either publicly or privately owned on which the public is afforded the right, without fee, to enter for the purpose of gaining physical access to the water. Public rights of access may be subject to reasonable regulations regarding times and manners of use.
99. Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated by

a governmental body or public entity.

100. Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

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

101. Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be road-worthy (i.e. possess a current registration sticker from any State Division of Motor Vehicles).
102. Religious Institution: Includes church, temple, parish house, convent, or seminary.
103. Replacement system: A system intended to replace:
- A. An existing system which is either malfunctioning or is being upgraded with no significant change of design flow or use of the structure, and
 - B. Any existing overboard wastewater discharge.
104. Retail Store: Any shop or store for the retail sale of goods or personal services, excluding any drive-up service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.
105. Riding Stable: Any place at which horses or ponies are kept for hire either with or without instructions in riding.
106. 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) horizontal units to one (1) vertical unit or less.
107. River: Any free flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.
108. Road: As defined by the Town of Stow Road Ordinance. (For the purpose of the shoreland Ordinance the term "Road" shall mean a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motor vehicles).

109. R.V. or Recreational Vehicle Parks: Any area designated for the temporary parking of Recreational Vehicles with or without water, sewer or electric hook-up, including Campgrounds.
110. Sanitary Sewer: A public or private sewer where wastes are conveyed off-site or treatment.
111. School: A public or private nursery, elementary or secondary school, approved as such by the State of **Maine**, including accessory uses thereto, and providing instructional services to more than ten students.
112. School, Commercial: Any facility providing instructional services which is not included in the above definition with the exception of day-care or nursery schools with ten or less students.
113. Setback: The shortest horizontal distance between a lot line and any structure on a lot.
- Front Yard: The setback from center line of any right-of-way or road.
- Rear Yard: The setback of a property line which is opposite a front yard setback.
- Side Yard: The setback from any other property line other than front or rear yard setbacks except those property lines along waterbodies.
114. Septage: The sludge material pumped from septic tanks of residential subsurface sewage disposal systems.
115. Service drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that:
- A. In the case of Electric Service.
 1. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way, and
 2. The total length of the extension is less than one thousand (1,000) feet.
 - B. In the case of Telephone Service.
 1. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 2. The extension requiring the installation of new utility poles or placed underground is less than one thousand (1,000) feet in length.
116. Shore Frontage: The length of a lot bordering on a water body, measured in a straight line between the intersection of the side lot lines with the shoreline at the normal high-water elevation.

117. Shoreland Common Area: A parcel of land containing shore frontage, which parcel is a part of a planned development, such as a subdivision or a land owner's association or similar organization, and which parcel provides access to the shoreline for lot owners in the development, subdivision, or association. The term also includes shorefront parcels to which more than two (2) families have a right of access through written contract or deed.
118. Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line or upland edge of a regulated water body.
119. Significant River Segments: See Title 38 MRSA Sec. 437.
120. Signs: The display of a word or words, lettering, parts or letters, figures, numerals, phrases, sentences, emblems, devices, pictures, trade names, trade marks by which anything is made known, and/or combination of these shall be deemed signs.
121. Slaughtering Establishment: A building or other place where animals or poultry, raised elsewhere, are killed or dressed for the market.
122. Small Business: Any business that has less than 2000 sq. ft. of business floor area, not including storage and not including any conforming use which may be present on the premises, AND, has less than 5 employees (full time or part time) not including family members.
123. Special Exception: A use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, areas, location or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district by the Board of Adjustment and Appeals, if specific provision for such special exceptions is made in this zoning ordinance.
124. Stream: A channel between defined banks, including the floodway and associated flood plain wetlands, where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock.
125. Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.
126. Street: The meaning of street shall have the same meaning as a Road as defined by the Town of Stow Road

Ordinance.

127. Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term shall apply to structures temporarily or permanently located, such as patios, decks and satellite dishes.
- 128.** Structural Alteration: Any change to a structure, other than simple replacement in the supporting members, such as posts, columns, plates, joists, or girders.
129. Subdivision: A subdivision is a division of a tract or parcel of land as defined in Title 30, Section 4956 of the Maine State Statutes.
130. Substantial start: Completion of thirty percent (30%) of a permitted structure or use measured as a percentage of estimated cost.
131. Substantive review: A review of an application to determine whether it complies with the review criteria and with other applicable requirements of this Ordinance.
132. Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designated to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, Subchapter 1.
133. Timber Harvesting: The cutting and removal of trees from their growing site for sale as any forest product, and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery including the creation and use of skid trails, exclusive of the construction or creation of roads. Timber harvesting does not include the clearing of land for development approved by the appropriate municipal officials as designated within this Ordinance. Timber harvesting is distinct from clearing for development in that natural vegetation is allowed to reestablish itself for sustained forest growth.

134. Trailer or Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel or recreational uses, not more than eight feet in body width and thirty-two (32) feet in body length.
135. Tributary Stream: A stream which drains less than twenty-five (25) square miles of land area but is located within the shoreland zone of a water body as defined.
136. Variance: A relaxation of the terms of this zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of setbacks and lot coverage and/or the size of signs; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
137. Volume of a structure: The volume of all portions of a structure enclosed by roof and exterior walls as measured from the exterior faces of these walls and roof.
138. Water body: Any great pond, river, tidal area, freshwater wetland or coastal wetland. Wetlands associated with ponds and rivers are considered part of that great pond or river.
139. Water-dependent uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location- in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and such uses which primarily provide general public access to marine or tidal waters.
140. Wetland: Areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of containing hydric soils and which support aquatic vegetation as delineated by a State of Maine licensed soil scientist and/or biologist; including but

limited to swamps, bogs and marshes.

141, Warehouse: Warehouse, wholesale establishment, bulk storage and bulk sales outlet.

142. Zoning District: See District.

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LAND USES**SHORELAND ZONES**

| | General | | |
|---------------------------------------------------------------------------------------------------|-------------------------|------------------------|------------------------------|
| | Resource Protections | Limited Residential | Residential & Development |
| 1. Non-intensive recreational uses not requiring structures, such as hunting, fishing and hiking. | yes | yes | yes |
| 2. Motorized vehicular traffic on existing roads and trails, and snowmobiling. | yes 1 | yes | yes |
| 3. Forest management activities except for timber harvesting. | yes | yes | yes |
| 4. Timber harvesting. | CEO 2 | yes | yes |
| 5. Clearing of vegetation for approved construction and other permitted uses. | PB | yes | yes |
| 6. Fire Prevention activities. | yes | yes | yes |
| 7. Wildlife management practices. | yes | yes | yes |
| 8. Soil and water conservation practices | yes | yes | yes |
| 9. Mineral exploration.* | yes 4 | yes | yes |
| 10. Mineral extraction including sand and gravel extraction | PB 5 | PB | PB |
| 11. Surveying and Resource Analysis. | yes | yes | yes |
| 12. Emergency operations as defined. | yes | yes | yes |
| 13. Harvesting of wild crops. | yes | yes | yes |
| 14. Agriculture.* | no 6 | yes | yes |

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|-----|----------------------------------------------------------------------------------------|-----------|------------|------------|
| 15. | Aquaculture. | PB | PB | PB |
| 16. | Principal structures and uses.* | | | |
| | Single Family | no | CEO | CEO |
| | One & Two Family residential | no | CEO | CEO |
| | Multi-Family residential (more than 2 units) | no | CU permit | CU permit |
| | Planned unit or cluster development | no | Subdvsn/PB | Subdvsn/PB |
| | Mobile Homes | no | CEO | CEO |
| | Large Commercial structures (>2000 sf) | no | no | CU permit |
| | Industrial structures | no | no | CU permit |
| | Home Occupations | no | yes | yes |
| | Small Commercial structures (2000 sf & less) | no | CU permit | yes |
| | Government and Institutional | no | no | PB |
| | Other | no | PB | CEO |
| 17. | Structures accessory to permitted uses. | CU permit | CEO | CEO |
| 18. | Conversions of seasonal residential structures to year-round residences | no | LPI | LPI |
| 19. | Private sewage disposal systems for permitted use. | no | LPI | LPI |
| 20. | Road construction and parking facilities.* | CU permit | CU permit | yes |
| 21. | Small non-residential facilities for educational, scientific, or nature purposes. | CU permit | CU permit | CU permit |
| 22. | Public and private parks and recreation areas involving minimal structural development | CU permit | CU permit | CU permit |
| 23. | Individual campsites (other than campgrounds) | no | CEO | CEO |
| 24. | Campgrounds and summer camps | no | no | CU permit |

| | | | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------|----------------------|--------------------------|
| 25. | Piers, docks, wharfs, breakwaters, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies. | Temporary Permanent | CEO no | CEO CU permit/DEP | CEO CU permit/ DEP |
| 26. | Signs* | | yes | yes | yes |
| 27. | Essential services | | PB | PB | PB |
| 28. | Service drops, as defined, to permitted uses | | yes | yes | yes |
| 29. | Essential services accessory to permitted uses. | | yes | yes | yes |
| 30. | Private sewage disposal systems for permitted uses. | | no | yes permit | yes permit |
| 31. | Utilities, including sewage collection and treatment facilities. | | CU permit | CU permit | CU permit |
| 32. | Marinas | | No | CU permit | CU permit |
| 33. | Filling, draining or other earth moving activity of less than 10 cubic yards. | | PB | yes | yes |
| 35. | Filling, draining or other earth moving activity of more than 10 cubic yards. * other than for approved construction | | no | PB | yes |
| 36. | Commercial mining. | | no | no | CU permit |
| 37. | Uses similar to permitted uses | | CEO | CEO | CEO |
| 38. | Uses similar to uses requiring a CU permit. | | CU permit | CU permit | CU permit |
| 39. | Uses similar to uses requiring a CEO permit. | | CEO | CEO | CEO |

| | | | |
|-------------------------------------------------------|-----------|-----------|-----------|
| 40. Uses similar to uses requiring a PB permit. | PB | PB | PB |
| 41. Hazardous toxic waste and Nuclear waste disposal. | no | no | no |

* Other standards

uses which are not specifically allowed in the above table may be permitted with a conditional use permit.

- 1 In RP trail bikes or A'rV's are not permitted and snowmobiling is not permitted in deer yards.
- 2 In RP not permitted within 100 feet of the normal high-water line of great ponds, except to remove safety hazards.
- 3 The Planning Board may delegate authority to issue permits to the code enforcement officer if he or she is certified by the State of Maine, in accordance with 'ritle 30, Section 49467.
- 4 Required permit from the Planning Board if more than 100 square feet of surface area is disturbed.
- 5 In RP not permitted in areas so designated because of wildlife _lue or archaeological significance.
- 6 In RP permitted with a PB permit in areas so designated because of the 100 -year floodplain only.
- 7 Except where no reasonable alternative route or location is available outside the RP area in which case a permit is required from the PB.

NOTE: Filling or earthmoving activities in or adjacent to regulated water bodies may require a permit from the Maine Department of Environmental Protection.

