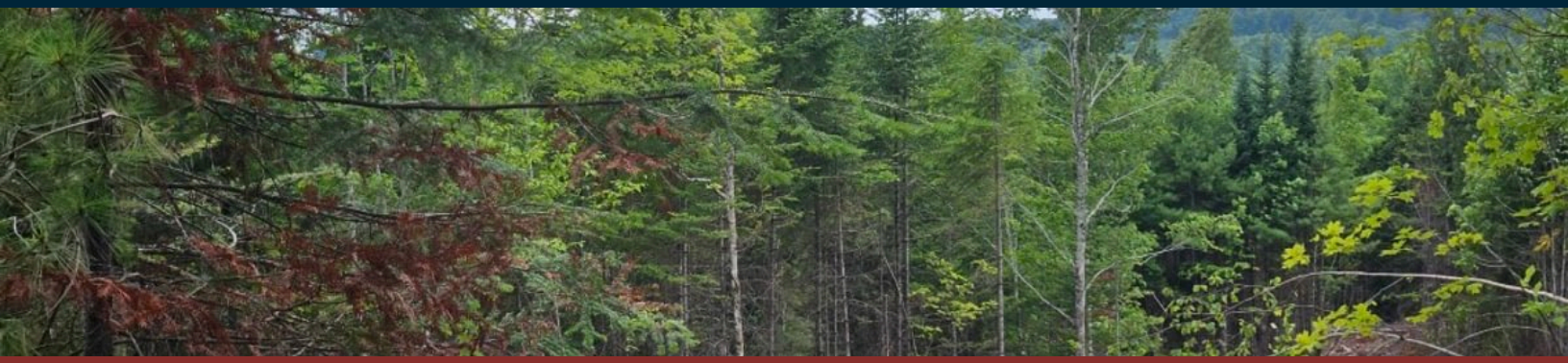


SOLD · SET PRICE

Solon

± 157 Acres | Somerset County | Maine | Near Solon

Recreational, hunting, waterfront, homestead, Town of Solon, Maine

PRICE	PRICE / ACRE	ACREAGE
$209,900	$1,337	± 157

PROPERTY OVERVIEW

Diversity at Its Best! This exceptional 157± acre property offers something for everyone, whether you're looking for a recreational retreat, timber investment, hunting property, or a future homesite. The property features approximately 600± feet of frontage on town-maintained Rowell Mountain Rd, with power available at the road for added convenience. Over 2,000 feet improved interior road, completed during a recent timber harvest, provides excellent access well into the heart of the property. One of the property's most attractive features is Kincaid Stream, which begins just north of the property along the slopes of Rowell Mountain before flowing through the land for approximately 3,800 feet. The stream enhances the property's natural beauty while providing outstanding wildlife habitat and...

PROPERTY DETAILS

TYPE
Development (Home/Cabin site)

ACCESS
Gravel Road · Legal Access · Paved Road

WATER FEATURES
Creeks / Streams

VIEWS
Timber · Mountains

COUNTY TAX PARCEL IDS
Map R6 Lot 22-03

DOCUMENTS INCLUDED
Aerial Photo · Topo · Location map · Survey Sketch · Deed · Disclosure · Tree Growth info · Tax commitment with note · Shoreland zoning map · Shoreland zoning info · Beginning with Habitat stream buffer map · ATV Map

LOCATION



Somerset County, Maine



John Colannino
Northeast Broker, ME, NH
O: 207.817.9079 C: 207.266.7355
John.Colannino@afmforest.com
Principal Broker: Becky Colannino (Maine)

SCAN TO VIEW

Information contained herein was obtained from sources deemed reliable, but American Forest Management, Inc. makes no warranty or guarantee as to its accuracy. Acreage is approximate and based on available records; prospective purchasers are urged to independently verify all information. Property is subject to prior sale, price change, or withdrawal without notice. Generated September 14, 2026 · https://www.afmrealestate.com/properties/157-acres-land-for-sale-in-somerset-county-maine/solon

Property Photos

Solon · Somerset County · Maine · Near Solon











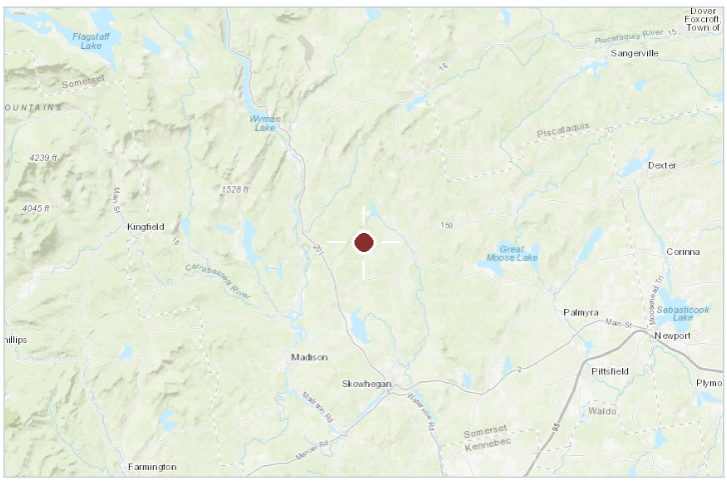


Location & Access

Solon · Somerset County · Maine · Near Solon



Aerial imagery centred on the tract. Boundaries shown elsewhere in this package are approximate and for illustration only.



Regional locator

COUNTY & STATE

Somerset County, Maine

NEAREST CITY

Solon

APPROXIMATE CENTRE

44.93912, -69.76044

COUNTY TAX PARCEL IDS

Map R6 Lot 22-03

INTERACTIVE MAP

https://id.land/maps/3e6bc4ab14b1fe3de0a8762fb9202d3f/share


GRID NORTH
SCALE - 1" = 500' ±
N/F LEYSHON
N/F RIDLEY
N/F CALDWELL
N/F GIBSON
N/F PASKOWSKI
N/F MCLELLAN
N/F VALLINI
N/F FISKE
N/F CARPENTER
N/F BRENNAN
N/F SANTORO & YOUNG
N/F MCCARTY
N/F REDMOND
BAR
PIPE
BARS
STONE
BOWELL MOUNTAIN ROAD
ROUGH SKETCH
MAINE LY TREES LOT
SOLON - SOMERSET CO. - MAINE
157Ac ±
NOTE: BLAZES FOUND ON ALL LINES
BY
BOYNTON & ASSOCIATES LLC
SKOWHEGAN ME.
JAN 2026 WO 25-249
WO 2026-01

DOC :416 BK:6377 PG:49
RECORDED: SOMERSET COUNTY 01/15/2026 01:54:40P
Registrar, Tanya I. Belanger

MAINE REAL ESTATE TAX-Paid

WARRANTY DEED

DLN: 3604517

Maine-ly Trees, Inc., a Maine corporation, having a mailing address of PO Box 260, Strong, ME 04983,

for consideration paid, grant to **T.R. Dillon Logging, Inc.**, a Maine corporation, having a business address of 144 Main Street, Madison, ME 04950, with **WARRANTY COVENANTS**,

A certain lot or parcel of land situated in the south half of **Solon**, County of Somerset and State of Maine, bounded and described as follows:

Commencing at the point of intersection of the westerly side line of the Eaton Mountain Road with the southerly line of that certain lot or parcel of land conveyed to Charles S. Gibson, Jr. and Jean L. Gibson by warranty deed of Daphne Cummings dated July 11, 1997 and recorded at the Somerset County Registry of Deeds in Book 2330, Page 52 (hereinafter referred as "Cummings to Gibson deed"); thence westerly along the southerly line of said land conveyed by the Cummings to Gibson deed to the southwest corner thereof; thence northerly along the westerly line of said land conveyed by said Cummings to Gibson deed to a corner in said land conveyed by Cummings to Gibson deed; thence easterly along the northerly line of said land conveyed by Cummings to Gibson a distance of one thousand two hundred (1,200) feet, more or less, to the westerly edge of a stone wall; thence southerly along the westerly edge of said stone wall to the point of intersection of said westerly edge of the stone wall with the southerly line of a stone wall running east and west; thence easterly along the southerly line of said stone wall running east and west to the easterly end thereof; thence southeasterly to a point marked by a ¾ inch rebar at the southwesterly corner of a certain lot or parcel of land conveyed to Michael R. Vanrandwyk and Suzanne M. Vanrandwyk by deed recorded at the Somerset County Registry of Deeds in Book 2158, Page 303; thence S 80° 16' 28" E along the southerly line of said Vanrandwyk property a distance of two hundred seventy-four and ninety-five one-hundredths (274.95) feet to a point marked by a ¾ inch iron pipe set in the ground at the southwest corner of land conveyed to Edwin M. Burke and Cecelia A. Burke et al by deed recorded at said Registry in Book 890, Page 1059; thence easterly along the southerly line of said land of Burke et al to the southwesterly corner of that certain lot or parcel of land conveyed to Cecelia A. Burke and Jean M. Thomas by deed of Reginald and Ellen Rowell dated July 21, 1970 and recorded at said Registry in Book 798, Page 636; thence easterly along the southerly line of said Burke and Thomas land to the northwest corner of land conveyed to Raymond S. Pelletier, Sr. and Vera M. Pelletier by deed of Reginald and Ellen Rowell dated October 11, 1973 and recorded at said Registry in Book 835, Page 424; thence southerly along the westerly line of said Pelletier land to the southwest corner thereof and the northeast corner of land conveyed to Raymond Pelletier, Jr. by deed of Reginald and Ellen Rowell dated July 17, 1967

and recorded at said Registry in Book 775, Page 678; thence southerly along the westerly line of said land of Raymond Pelletier, Jr. to the southwest corner thereof and the northwest corner of land conveyed to Marius H. Lanthier and Hilda E. Lanthier by deed of Reginald and Ellen Rowell dated October 11, 1973 and recorded at said Registry in Book 835, Page 425; thence southeasterly along the southwesterly line of said Lanthier land to the westerly sideline of the Rowell Mountain Road; thence southerly as the course may run along the westerly sideline of the Rowell Mountain Road to the point of beginning.

Being the same premises conveyed to Maine-ly Trees, Inc. by Warranty Deed of Charles S. Gibson and Jean L. Gibson dated February 12, 1998 and recorded at the Somerset County Registry of Deeds in Book 2392, Page 90.

IN WITNESS WHEREOF, Maine-ly Trees, Inc., has caused this instrument to be signed and sealed in its corporate name by Karen Thorndike, its Vice President, thereunto duly authorized this 15th day of January, 2026.

Maine-ly Trees, Inc.

By: _____
Karen Thorndike
Its Vice President
Duly Authorized

STATE OF MAINE

Somerset, ss. January 15, 2026

Then personally appeared the above-named Karen Thorndike in her aforesaid capacity and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of the company.

Before me,

_____
Notary Public

LORI A BLAISDELL
My Commission Expires
07-13-2026
NOTARY PUBLIC

Authentisign ID: 93AF0C27-858B-F111-B337-000D3A1FE58D

PROPERTY LOCATED AT: **Map R6 Lot 22-03, Solon, ME 04979**

PROPERTY DISCLOSURE – LAND ONLY

Under Maine Law, certain information must be made available to buyers prior to or during preparation of an offer. This statement has been prepared to assist prospective buyers in evaluating this property. This disclosure is not a warranty of the condition of the property and is not part of any contract between Seller and any Buyer. Seller authorizes the disclosure of the information in this statement to real estate licensees and to prospective buyers of this property. The Seller agrees to provide prompt notice of any changes in the information and this form will be appropriately changed with an amendment date. Inspections are highly recommended.

DO NOT LEAVE ANY QUESTIONS BLANK. STRIKE, WRITE N/A OR UNKNOWN IF NEEDED.

SECTION I – HAZARDOUS MATERIAL

The licensee is disclosing that the Seller is making representations contained herein.

A. UNDERGROUND STORAGE TANKS - Are there now, or have there ever been, any underground storage tanks on your property? ..... ☐ Yes ☒ No ☐ Unknown

If Yes: Are tanks in current use?..... ☐ Yes ☐ No ☐ Unknown

If no longer in use, how long have they been out of service? **NA**

If tanks are no longer in use, have tanks been abandoned according to DEP?..... ☐ Yes ☐ No ☐ Unknown

Are tanks registered with DEP?..... ☐ Yes ☐ No ☐ Unknown

Age of tank(s): **NA** Size of tank(s): **NA**

Location: **NA**

What materials are, or were, stored in the tank(s): **NA**

Have you experienced any problems such as leakage: ..... ☐ Yes ☐ No ☐ Unknown

Comments: **Seller has no knowledge of any "underground storage tanks" currently or previously existing.**

Source of information: **Seller**

B. OTHER HAZARDOUS MATERIALS - Current or previously existing:

TOXIC MATERIAL: ..... ☐ Yes ☒ No ☐ Unknown

LAND FILL:..... ☐ Yes ☒ No ☐ Unknown

RADIOACTIVE MATERIAL:..... ☐ Yes ☒ No ☐ Unknown

METHAMPHETAMINE:..... ☐ Yes ☒ No ☐ Unknown

Comments: **Seller has no knowledge of any "other hazardous materials" currently or previously existing.**

Source of information: **Seller**

Buyers are encouraged to seek information from professionals regarding any specific issue or concern.

Buyer Initials _____ _____ _____ _____ Seller Initials SD _____ _____ _____ _____

AFM Real Estate, 40 Champion Lane Milford ME 04461 Phone: **2078179079** Fax: **2078270054** **Solon - TR Dillon**
John Colannino
Produced with Lone Wolf Transact 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com

Authentisign ID: 93AF0C27-858B-F111-B337-000D3A1FE58D

SECTION II – ACCESS TO THE PROPERTY

Is the property subject to or have the benefit of any encroachments, easements, rights-of-way, leases, rights of first refusal, life estates, private ways, trails, homeowner associations (including condominiums and PUD's) or restrictive covenants? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, explain: _____

Source of information: **Seller/Deed**

Is access by means of a way owned and maintained by the State, a county, or a municipality over which the public has a right to pass?..... ☒ Yes ☐ No ☐ Unknown

If No, who is responsible for maintenance? **NA**

Road Association Name (if known): **NA**

Source of information: **Seller**

SECTION III – FLOOD HAZARD

For the purposes of this section, Maine law defines "flood" as follows:

(1) A general and temporary condition of partial or complete inundation of normally dry areas from:(a) The overflow of inland or tidal waters; or (b) The unusual and rapid accumulation or runoff of surface waters from any source; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).

For purposes of this section, Maine law defines “area of special flood hazard” as land in a floodplain having 1% or greater chance of flooding in any given year, as identified in the effective federal flood insurance study and corresponding flood insurance rate maps.

During the time the seller has owned the property:

Have any flood events affected the property? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, explain: **NA**

Have any flood events affected a structure on the property? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, explain: **NA**

Has any flood-related damage to a structure occurred on the property? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, explain: **NA**

Has there been any flood insurance claims filed for a structure on the property? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, indicate the dates of each claim: **NA**

Authentisign ID: 93AF0C27-858B-F111-B337-000D3A1FE58D

PROPERTY LOCATED AT: **Map R6 Lot 22-03, Solon, ME 04979**

Has there been any past disaster-related aid provided related to the property or a structure on the property from federal, state or local sources for purposes of flood recovery? ..... ☐ Yes ☒ No ☐ Unknown

If Yes, indicate the date of each payment: **NA**

Is the property currently located wholly or partially within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002? ..... ☐ Yes ☐ No ☒ Unknown

If yes, what is the federally designated flood zone for the property indicated on that flood insurance rate map? **NA**

Relevant Panel Number: **230371B** Year: **8/19/1985** (Attach a copy)

Comments: **FEMA map available does not meet the baseline date of March 4, 2002.**

Source of Section III information: **Seller/FEMA Flood Map Service**

SECTION IV – GENERAL INFORMATION

Are there any shoreland zoning, resource protection or other overlay zone requirements on the property?..... ☒ Yes ☐ No ☐ Unknown

If Yes, explain: **Stream protection of 75' on Kincaid Stream and unnamed stream.**

Source of information: **Solon Shoreland Zoning Map & Beginning with Habitat Map**

Is the property the result of a division within the last 5 years (i.e. subdivision)? ☐ Yes ☒ No ☐ Unknown

If Yes, explain:

Source of information: **Deed/Seller**

Are there any tax exemptions or reductions for this property for any reason including but not limited to:

Tree Growth, Open Space and Farmland, Blind, Working Waterfront?..... ☒ Yes ☐ No ☐ Unknown

If Yes, explain: **Tree Growth.**

Is a Forest Management and Harvest Plan available?..... ☐ Yes ☐ No ☒ Unknown

Has all or a portion of the property been surveyed?..... ☒ Yes ☐ No ☐ Unknown

If Yes, is the survey available?..... ☒ Yes ☐ No ☐ Unknown

Has the property ever been soil tested?..... ☐ Yes ☒ No ☐ Unknown

If Yes, are the results available?..... ☐ Yes ☐ No ☐ Unknown

Are mobile/manufactured homes allowed?..... ☐ Yes ☐ No ☒ Unknown

Are modular homes allowed?..... ☐ Yes ☐ No ☒ Unknown

Source of Section IV information: **Seller**

Additional Information: **Current owner acquired the property in January 2026. Solon's tax records do not reflect the this. The Deed & Maine Real Estate Transfer Tax Declaration confirm the conveyance.**

Authentisign ID: 93AF0C27-858B-F111-B337-000D3A1FE58D

PROPERTY LOCATED AT: **Map R6 Lot 22-03, Solon, ME 04979**

ATTACHMENTS CONTAINING ADDITIONAL INFORMATION:..... ☐ Yes ☒ No

Seller shall be responsible and liable for any failure to provide known information about property defects to Buyer. As Seller, I/we have provided the above information and represent that all information is correct.

AuthentiSIGN Scott Dillon 07/29/2026

SELLER	DATE	SELLER	DATE
TR Dillon Logging Inc.			
SELLER	DATE	SELLER	DATE

I/We have read and received a copy of this disclosure and understand that I/we should seek information from qualified professionals if I/we have questions or concerns.

BUYER	DATE	BUYER	DATE
BUYER	DATE	BUYER	DATE

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REALTOR®

EQUAL HOUSING OPPORTUNITY

Produced with Lone Wolf Transact 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com

SCANNED

ASSESSOR'S USE ONLY
Recertification Date:
12/1/30 ✓

APPLICATION FOR MAINE TREE GROWTH TAX LAW PROGRAM

36 M.R.S. §§ 571–584-A
See Property Tax Bulletin No. 19 for more information

Town of Solon #929 ✓

1. Name of owner(s): Maine-ly Trees Inc. ✓
2. Mailing address: PO Box 260 Strong, ME 04983
   Phone: (207) 684-3301
3. Location of parcel (municipality and county): Solon Somerset County
4. Identification of parcel: R6 (Tax Map) 22-3 ✓ (Plan / Lot)

5. Forest land used for commercial forest production

Type	Number of Acres
a. Softwood	8.00 ✓
b. Mixed wood	93.00 ✓
c. Hardwood	25.00 ✓
d. **TOTAL ACRES** (add lines 5a through 5c)	5d. 126.00 ✓

6. Land unsuitable for commercial forest production

Type	Number of Acres
a. Natural water and man-made water areas	
b. Wetlands (swamp, marsh)	14.00
c. Ledges and barrens	
d. **TOTAL ACRES** (add lines 6a through 6c)	6d. 14.00 ✓

7. Land not used primarily for commercial forest production

Type	Number of Acres
a. Building area	
b. Fields	
c. Gravel pits	
d. Transmission line or pipeline right-of-way area	
e. Class I roads (includes culverts, ditching, gravel)	2.00
f. Class II roads (unimproved haul road)	
g. Agricultural area (list_____)	
h. Other areas (list_____)	
i. **TOTAL ACRES** (add lines 7a through 7h)	7i. 2.00 ✓

8. **TOTAL AREA OF PARCEL** (Add 5d, 6d and 7i) ..... 8. 142.00 ✓

9. Check one. A licensed forester must complete the Forester Section below.

- ☐ Initial request for classification of this parcel in the Tree Growth Tax Law program. **You must file this application on or before April 1.**
- ☐ Application for an existing classified parcel with a new forest management and harvest plan.
- ☐ Application for a new owner of an existing classified parcel adopting the previous owner's forest management and harvest plan. Date of the plan prepared for the parcel: _____.
- ☑ Recertification of the forest management and harvest plan for an existing classified parcel.
- ☐ Application submitted at the request of the assessor.

10. Are there any structures or improvements on the property? ☐ Yes ☑ No

11. Under penalties of perjury, I declare that I have examined this application and to the best of my knowledge and belief it is true, correct, and complete. I swear that, as owner of the property classified under the Tree Growth Tax Law, my primary use for the forest land is to grow trees to be harvested for commercial use or that the forest land is land described in 36 M.R.S. § 573(3) and that I will follow the provisions of the applicable forest management and harvest plan. I declare that all owners of the parcel agree to classification of the parcel under the Tree Growth Tax Law.

Signature of Owner/Authorized Agent* — Date: 06/24/20

*Multiple owners: If all owners agree to classification of the property under Tree Growth Tax Law, the owner's authorized agent may sign this form.

FORESTER SECTION: This section is to be completed by the forester

Name of licensed forester who approved/prepared the plan: Robert A Thorndike II

Forester license number: LF 3684 Forester telephone number: (207) 491-4295

Date plan prepared: 12/01/20 Date plan expires: 12/01/30 Date parcel inspected: 06/22/20

The forester's signature is required if plan is adopted from prior owner or for recertification of the forest management and harvest plan. Check the appropriate box.

- ☐ For a plan adopted by a new owner following a land transfer, I hereby swear that the new owner is managing the forest land in accordance with the plan prepared for the previous landowner.
- ☑ For a plan being recertified, I hereby swear that I have inspected the parcel and that the owner is managing the parcel according to the forest management and harvest plan.

Signature of Licensed Forester — Date: 06/24/20

ASSESSOR SECTION: This section is to be completed by the assessor ☑ Approved ☐ Denied

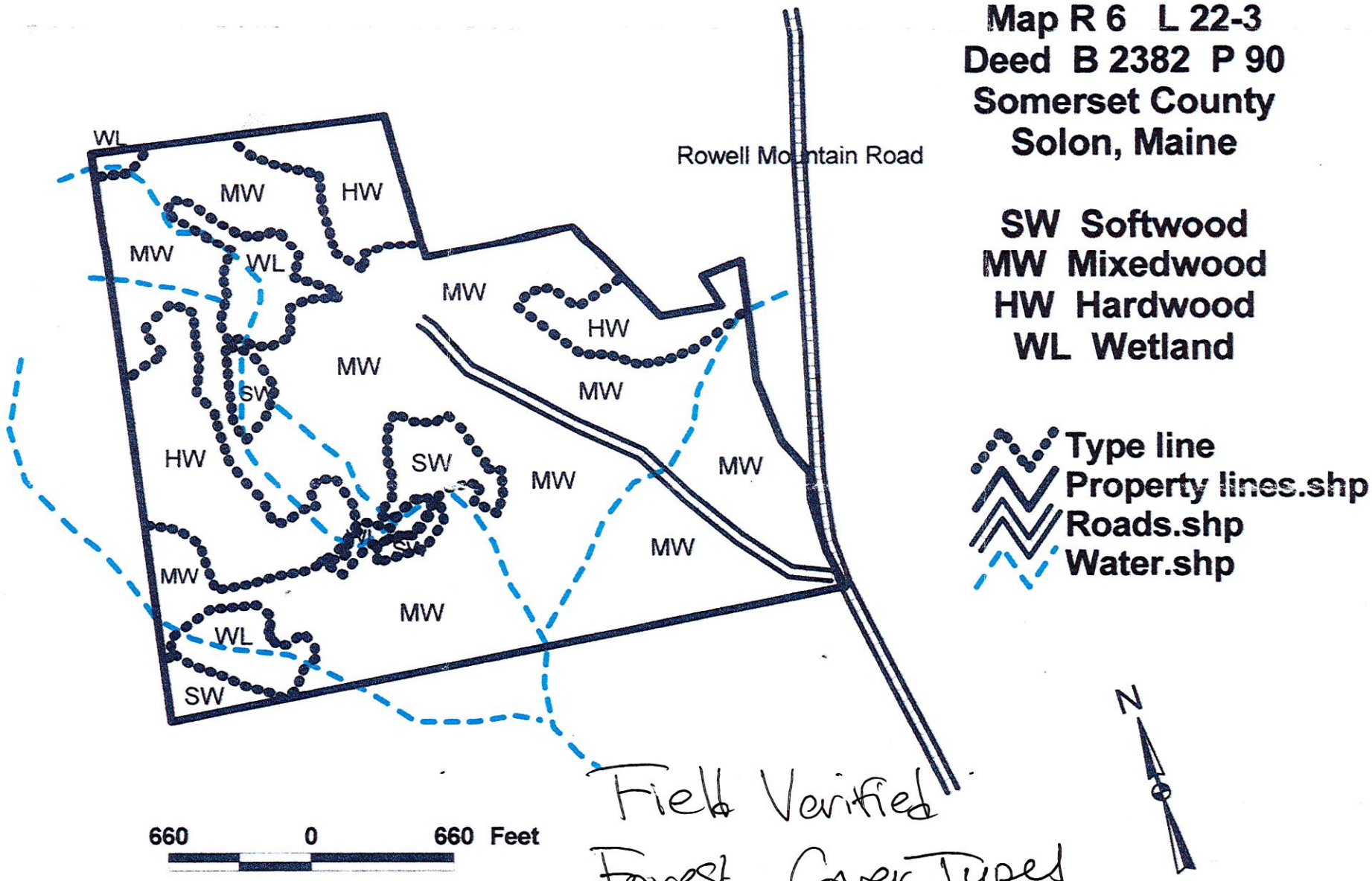
Assessor's Signature — Date

Rev. 3/16

Maine-ly Trees, Inc.
26 South Main St.
Strong, Me. 04983

Map R 6 L 22-3
Deed B 2382 P 90
Somerset County
Solon, Maine

SW Softwood
MW Mixedwood
HW Hardwood
WL Wetland



Type line
Property lines.shp
Roads.shp
Water.shp

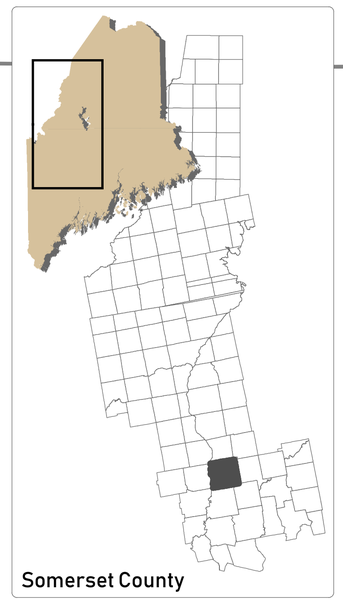
Field Verified
Forest Cover Typed
6/22/2020 [illegible] 3684

Account	Name & Address		Land	Building	Exemption	Assessment	Tax
155	MADORE, KEVIN		52,000	148,800	25,000	175,800	2,566.68
	ATHERTON, OLIVIA	Acres	33.00		01 HOMESTEAD EXEMPT		
	240 BRIGHTON RD	Soft:	0.00	0			
		Mixed:	12.50	1,925			
	SOLON ME 04979	Hard:	13.50	2,579			
	240 BRIGHTON ROAD						
	R1 24						
	B4681P298 06/28/2013 B788P122						
156	MADORE, KEVIN		1,310	0	0	1,310	19.13
	ATHERTON, OLIVIA	Acres	8.50				
	240 BRIGHTON RD	Soft:	0.00	0			
		Mixed:	8.50	1,309			
	SOLON ME 04979	Hard:	0.00	0			
	BRIGHTON ROAD						
	R1 23-A & 24-A						
	B4681P298						
264	MADORE, KEVIN		42,000	24,000	0	66,000	963.60
	ATHERTON, OLIVIA	Acres	0.50				
	240 BRIGHTON RD	Soft:	0.00	0			
		Mixed:	0.00	0			
	SOLON ME 04979	Hard:	0.00	0			
	2 PLEASANT STREET						
	U5 19						
	B4814P91 04/30/2014 B3748P110 09/22/2006 B3553P186 09/12/2005 B2877P31						
361	MAGID, BRUCE		47,750	144,000	25,000	166,750	2,434.55
	SIRACUSA-MAGID, ELAINE	Acres	26.40		01 HOMESTEAD EXEMPT		
	1372 SOUTH SOLON RD	Soft:	5.00	535			
		Mixed:	14.00	2,156			
	SOLON ME 04979	Hard:	5.00	955			
	1372 SOUTH SOLON ROAD						
	R9 40						
	B6154P268 06/25/2024 B2235P160 08/23/1996						
938	MAGRILL, BENJAMIN		8,800	0	0	8,800	128.48
	PO BOX 677	Acres	42.00				
		Soft:	0.00	0			
	PAHOKEE FL 33476	Mixed:	12.00	1,848			
		Hard:	28.00	5,348			
	LONGLEY ROAD						
	R9 08-03						
	B5473P331 10/01/2019 B5428P261 07/02/2019						
929	MAINE-LY TREES, INC.		41,150	0	0	41,150	600.79
	26 SOUTH MAIN ST	Acres	142.00				
	PO BOX 260	Soft:	8.00	856			
	STRONG ME 04983-0260	Mixed:	93.00	14,322			
		Hard:	25.00	4,775			
	ROWELL MOUNTAIN ROAD						
	R6 22-03						
	B2392P90 02/12/1998						

NEW OWNER IS TR DILLON LOGGING

DEED BOOK 6377 PAGE 49

	Land	Building	Exempt	Total	Tax
Page Totals:	193,010	316,800	50,000	459,810	6,713.23
Subtotals:	42,954,980	54,809,750	5,996,890	91,767,840	1,339,810.49



TOWN OF SOLON
SOMERSET COUNTY, STATE OF MAINE

Shoreland Zoning

- Limited Commercial
- Limited Residential
- Resource Protection
- Stream Protection

N

Shoreland zoning data provided by the Kennebec Valley Council of Governments

1. The Limited Residential / Commercial or Resource Protection District, as depicted, applies in the shoreland zone. The shoreland zone includes areas within 250 feet from the shoreline of great ponds, rivers and fresh water wetlands. Some of these areas contain moderate and high value rated inland waterfowl and wading bird habitat.

2. The shoreland zone also includes areas within 75 feet from the normal high-water line of streams. The Stream Protection District applies in the shoreland zone of streams.

3. The shoreline is the normal high-water line for great ponds, rivers and streams, and is the upland edge of a wetland for freshwater wetlands. Shorelines should be field verified prior to landuse activities.

0 500 1,000 2,000 3,000 4,000 Feet

1 inch = 1,250 feet

CCGIS

Prepared by
Center for Community GIS
December, 2019
Projection: NAD83 Zone 19N

TOWN OF BINGHAM

TOWN OF EMDEN

TOWN OF MADISON

TOWN OF

Subject parcel

KENNEBEC RIVER

Owlwick Lane
Adams Lane
Lake Road
North Main Street
Cornshop Road
Falls Road
Rocky Road
Duke Lane
Davis Farm Road
Ferry Street
Stream Lane
River Road
Pine Lane
Harlorsable Road
Falls Brook
Brighton Road
Grant Road
Meader Farm Road
Drury Road
McQuilken Road
Brown Farm Road
Lacasse Road
French Hill Road
Baker Pond
Baker Pond Lane
Cass Pond
Rowell Mt. Road
Old Hole in the Wall Road
Hole in the Wall Road
Rowell Pond
Lily Pond Road
Parkman Hill Road
Michael Stream
McCormack Road
McCarty Road
Eaton Hill Road
Hilltop Lane
College Avenue
South Main Street
Old County Road
West Road
South Solon Road
Pelham Road
Meeting House Road
Jackson Road
Boardman Road
Rowell Mt Road
South Solon Road

Shoreland Zoning Ordinance

Solon, ME

ADOPTED AT ANNUAL TOWN MEETING
MARCH 2, 2019

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1. Purposes.

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

2. Authority.

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

3. Applicability.

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of a great pond,
- normal high-water line of a river,
- upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

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

4. Effective Date.

This Ordinance, which was adopted by the municipal legislative body on March 2, 2019, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

5. Availability.

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

6. Severability.

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

7. Conflicts with Other Ordinances.

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

8. Amendments.

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

9. Districts and Zoning Map

A. Official Shoreland Zoning Map.

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

(1) Resource Protection
(2) Stream Protection
(3) Limited Residential
(4) Limited Commercial

B. Scale of Map.

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

C. Certification of Official Shoreland Zoning Map.
The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

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

10. Interpretation of District Boundaries.

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

11. Land Use Requirements.

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

12. Nonconformance

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

B. General

(1) Transfer of Ownership.
Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

(2) Repair and Maintenance.
This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

C. Nonconforming Structures

(1) Expansions.
All new structures must meet the shoreline setback requirements contained in Section 15(B). A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with the subsections of Section 12(C)(1).

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

(b) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.

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

(i) The maximum total footprint of the principal structure may not be expanded to an area greater than 800 square feet.

(ii) The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

(iii) A lateral expansion is only allowed when:

a. The structure meets all setback requirements to the greatest practical extent as determined by the Planning Board or its designee in accordance with Section 12(C)(3) below.

b. The Planning Board has determined that no practical alternative to a lateral expansion exists, such as but not limited to additions to the rear of the structure or additional stories.

(d) All other nonconforming principal and accessory structures that do not meet the water body, tributary stream or wetland setback requirements may be expanded or altered as follows, as long as other applicable standards of this Ordinance are met and the expansion is not prohibited by Section 12(C)(1) and subsections (a), (b) or (c) above:

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum combined total footprint of all structures may not be expanded to an area greater than 1,000 square feet.

(ii) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(iii) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum combined total footprint of all structures may not be expanded to an area greater than 1,500 square feet.

(iv) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.

(v) For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland must meet the footprint and height requirements of Sections 12(C)(1)(d)(i) and (ii).

(vi) A lateral expansion is only allowed when:

a. The structure meets all setback requirements to the greatest practical extent as determined by the Planning Board or its designee in accordance with Section 12(C)(3) below.
b. The Planning Board has determined that no practical alternative to a lateral expansion exists, such as but not limited to additions to the rear of the structure or additional stories.

(e) In addition to the limitations in Section 12(C)(1) and subsections (a), (b) and (c) above, structures that are nonconforming due to their location within the Resource Protection District and are located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland may be expanded or altered as follows, as long as other applicable standards of this Ordinance are met:

(i) The maximum combined total footprint of all structures may not be expanded to an area greater than 1,500 square feet.

(ii) The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater.

(iii) Any portion of the structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, must meet the footprint and height requirements of Sections 12(C)(1)(d)(iii) and (iv).

(iv) Any portion of the structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland must meet the footprint and height requirements of Sections 12(C)(1)(d)(i) and (ii).

(v) A lateral expansion is only allowed when:

c. The structure meets all setback requirements to the greatest practical extent as determined by the Planning Board or its designee in accordance with Section 12(C)(3) below.
d. The Planning Board has determined that no practical alternative to a lateral expansion exists, such as but not limited to additions to the rear of the structure or additional stories.

(f) Any approved plan for expansion of a nonconforming structure under Section 12(C)(1) must be recorded by the applicant in the registry of deeds of the county in which the property is located within 90 days of approval. The recorded plan must include the existing and proposed footprint of structures on the property, the existing and proposed height of structures on the property, the shoreland zone boundary and evidence of approval by the municipal permitting authority.

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

(3) Relocation.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. The Planning Board has the discretion to allow additional non-native trees that are not invasive, provided that all new trees stabilize soils and remove pollutants at least equal to those trees removed. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

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

The Planning Board may also require replanting in accordance with Section 15(S).

(4) Reconstruction or Replacement.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance Section 12(C)(3) above. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total amount of footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure.

When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Nonconforming Uses

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

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

(3) Change of Use.
An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) above.

E. Nonconforming Lots

(1) Nonconforming Lots:
A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots:
If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

(3) Contiguous Lots - Vacant or Partially Built:
If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

13. Establishment of Districts.

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

(1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

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

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

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Stream Protection District.

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

C. Limited Residential District.

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

D. Limited Commercial District.

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

14. Table of Land Uses.

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

Key to Table 1:

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

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection

SP - Stream Protection

LR - Limited Residential

LC - Limited Commercial

TABLE 1. LAND USES IN THE SHORELAND ZONE

Land Use	District			
	RP	**SP**	**LR**	**LC**
Non-intensive recreational uses not requiring structures such as hunting fishing and hiking	Yes	Yes	Yes	Yes
Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
Clearing or removal of vegetation for activities other than timber harvesting	PB (1)	CEO	CEO	CEO
Fire prevention activities	Yes	Yes	Yes	Yes
Wildlife management	Yes	Yes	Yes	Yes
Soil & water conservation	Yes	Yes	Yes	Yes
Mineral exploration	CEO (2)	No	CEO (2)	CEO (2)
Mineral extraction including sand and gravel extraction	No	No	PB	PB
Surveying & resource analysis	Yes	Yes	Yes	Yes
Emergency operations	Yes	Yes	Yes	Yes
Agriculture	PB	PB	PB	Yes
Aquaculture	PB	PB	PB	PB
Principal structures and uses				
1 and 2 family residential, including driveways	No	No	PB	PB
Multi-unit residential	No	No	PB	PB
Commercial	No (3)	No (3)	No (3)	PB
Industrial	No	No	No	No
Government & institutional	No	No	No	PB
Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	No	CEO	CEO
Structures accessory to allowed uses	PB	No	PB	PB
Piers, docks, wharves, bridges and other structures and uses extending or located below the normal high-water line or within a wetland				
Temporary	CEO (4)	CEO (4)	CEO (4)	CEO (4)
Permanent	PB	PB	PB	PB
Conversion of seasonal residences to year-round residences	No	LPI	LPI	LPI

Home occupations	No	PB	PB	CEO
Private sewage disposal systems for allowed uses	LPI	No	LPI	LPI
Essential services				
Roadside distribution lines (34.5 kV and lower)	CEO (5)	CEO (5)	CEO	CEO
Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB (5)	PB (5)	CEO	CEO
Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB (5)	PB (5)	PB	PB
Other essential services	PB (5)	PB (5)	PB	PB
Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes
Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO
Individual private campsites	CEO	No	CEO	CEO
Campgrounds	No (6)	No	PB	PB
Road construction	No (7)	No	PB	PB
Parking facilities	No (6)	No	PB	PB
Marinas	No	PB	PB	PB
Fill & earth moving of < 10 cubic yards	CEO	CEO	Yes	Yes
Fill & earth moving of $\geq$ 10 cubic yards	PB	PB	CEO	CEO
Signs	Yes	Yes	Yes	Yes
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB	PB

1 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

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

3 Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

4 Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

5 See further restrictions in Section 15.L.

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

7 Except as provided in Section 15.H.

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

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

15. Land Use Standards.

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
(c) Public and Private Recreational Facilities	40,000	200

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

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

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

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

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including non-vegetated surfaces and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

(2) Principal or accessory structures and expansions of existing structures which are permitted, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.

(4) Non-vegetated surfaces shall not exceed twenty (20) percent of the portion of the lot located within the shoreland zone. Non-vegetated surfaces include, but are not limimted to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces for lots that were recorded on March 24, 1990, and that have been in continuous existence since that date.

Section 15(B)(4) shall not apply to public boat launching facilities, regardless of the district in which the facility is located.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, is no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

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

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

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

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

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

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

NOTE: A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as, a watercraft.

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

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

(9) Structures built on, over or abutting a pier, wharf, dock or other structure extending or located below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

(10) The Planning Board may approve shoreline stabilization of an eroding shoreline, provided that the following requirements are met:

(a) Construction equipment must access the shoreline by barge when feasible, as determined by the Planning Board.

(b) When necessary, the removal of vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the shoreline stabilization is complete, the construction equipment access way must be restored.

(c) Any restoration or revegetation shall occur in accordance with Section 15(S).

D. Campgrounds.

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

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

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

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

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

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

(5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

(6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

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

F. Commercial and Industrial Uses.

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

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

(11) Photographic processing

(12) Printing

G. Parking Areas

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

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

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

H. Roads and Driveways.

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

(1) New driveways are prohibited in the Resource Protection and Stream Protection Districts. Roads are prohibited in the Resource Protection and Stream Protection Districts, except in the Resource Protection District as provided in Section 15(H)(4) below.

(2) Elsewhere, roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

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

Section 15 (H)(2) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(2) except for that portion of the road or driveway necessary for direct access to the structure.

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

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

(5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(T).

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

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

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

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

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

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

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

I. Signs.

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

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

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

(3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

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

K. Septic Waste Disposal

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

L. Essential Services

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

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

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

M. Mineral Exploration and Extraction.

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(3) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

(b) The final graded slope shall be two to one (2:1) slope or flatter.

(c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

(4) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

O. Timber Harvesting - Repealed

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

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the shoreline buffer extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees in accordance with Section 15(Q).

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

(2) Except in areas as described in Section P(1) above, within a shoreline buffer extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a shoreline buffer extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, vegetation shall be preserved as follows:

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

(b) Selective cutting of trees within the shoreline buffer is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4 ½ feet Above Ground Level (inches)	Points
2 < 4 in.	1
4 < 8 in.	2
8 < 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

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

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

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

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

(e) In order to maintain vegetation in the shoreline buffer, removal of storm-damaged, hazard or dead trees, and any required replanting shall occur in accordance with Section 15(Q).

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

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

(5) Legally existing nonconforming cleared openings may be maintained in accordance with Section 15(R). If these areas, fields or other cleared openings have reverted back to primarily woody vegetation, as a result of not maintaining them in accordance with Section 15(R), then the provisions of Section 15(P) shall apply.

Q. Hazard Trees, Dead Trees and Storm-Damaged Trees

(1) Hazard trees may be removed without a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:

(a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the opening shall be replaced with native tree species, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2) inches in diameter, measured at four and one half (4.5) feet above ground level. If new growth is not present, then replacement trees shall consist of native species, be at least four (4) feet in height and be no less than two (2) inches DBH. Stumps shall not be removed.

(b) Outside the shoreline buffer, if the removal of hazard trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4.5) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then replacement with native tree species is required, unless there is new tree growth already present near to where the hazard tree was removed. New tree growth is considered to be at least two (2)

inches DBH. If new growth is not present, then replacement trees shall consist of native species and be no less than two (2) inches DBH.

(c) The code enforcement officer may require the applicant to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

(d) The code enforcement officer may require more than a one-for-one replacement for removed hazard trees that exceeded eight (8) inches in diameter at four and one half (4.5) feet above ground level.

(2) Dead trees may be removed without a permit, provided the following requirements are met:

(a) The trees are dead from natural causes. Dead trees are those that contain no foliage during the growing season.

(b) The removal of dead trees does not result in the creation of new lawn areas or other permanently cleared areas.

(c) Stumps shall not be removed.

(3) Storm-damaged trees may be removed without a permit after consultation with the Code Enforcement Officer, provided the following requirements are met:

(a) Within the shoreline buffer, if the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, the following shall be required:

(i) The area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required at a density of one seedling/sapling per every eighty (80) square feet of open canopy.

(ii) The removal of storm-damaged trees does not result in the creation of new lawn areas or other permanently cleared areas.

(iii) Stumps shall not be removed.

(iv) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree.

(b) Outside the shoreline buffer, if the removal of storm-damaged trees results in more than forty (40) percent of the volume of trees, four (4) inches or more in diameter as measured at four and one half (4.5) feet above ground level, being removed in any ten (10) year period; or results in cleared openings of more than twenty-five (25) percent of the lot area within the shoreland zone or more than ten thousand (10,000) square feet, whichever is greater; then the area shall be required to naturally revegetate. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings shall be required on a one-for-one basis.

R. Exemptions to Section 15(P)

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

(1) The clearing or removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the standards of Section 15(P), such as but not limited to cleared openings in the canopy or fields. If any of these areas revert back to primarily woody vegetation, due to a lack of removal of vegetation every two (2) years, the requirements of Section 15(P) shall apply.

(2) The clearing or removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 15(B) are not applicable.

(3) The clearing or removal of vegetation from the location of public swimming areas associated with allowed public recreational facilities.

(4) The clearing or removal of vegetation associated with allowed agricultural uses, provided that all requirements of Section 15(N) are complied with, and that best management practices are utilized.

(5) The clearing or removal of non-native invasive vegetation, provided that the following requirements are met:

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

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

(c) If the clearing or removal of non-native invasive vegetation results in a standard of Section 15(P) being exceeded, then the area shall be revegetated in accordance with Section 15(S) to achieve compliance with the applicable standard(s) of Section 15(P).

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program. http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

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

S. Revegetation Requirements

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

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

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed, and must occur at a density comparable to the pre-existing vegetation. If this is not feasible due to shoreline stabilization, then revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

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

(a) All trees and saplings removed must be replaced with native noninvasive species;

(b) Replacement vegetation must consist of saplings at a minimum;

(c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

(d) No one species shall make up 50% or more of the number of trees and saplings planted;

(e) If revegetation is required for shoreline stabilization, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

(f) A survival rate of at least eighty (80) percent of planted trees/saplings is required for a minimum of five (5) years.

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

(a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

(b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

(e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained in Section 15(P) for a minimum of five (5) years.

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

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

(b) Where necessary due to a lack of sufficient ground cover, the area must be supplemented with leaf mulch and/or bark mulch at a minimum of four (4) inches deep to prevent erosion and provide for effective infiltration of stormwater; and

(c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Ordinance for a minimum of five (5) years.

T. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or riprap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

U. Soils.

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

V. Water Quality.

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

W. Archaeological Site.

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

(3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required.

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(1) A permit is not required for the replacement of an existing road culvert as long as:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

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

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14. A fee shall accompany the application. Such fee shall be determined by the Board of Selectmen, and listed on the Building Permit Fee Schedule.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

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

D. Procedure for Administering Permits.

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will avoid problems associated with floodplain development and use; and

(8) Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Expiration of Permit.

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

F. Installation of Public Utility Service.

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

G. Independent Review and Advice.

(1) Professional Services. The Planning Board may require that an appropriate professional or consultant review one or more aspects of an application for compliance or noncompliance, with this Ordinance and to advise the Board. The

professional or consultant shall first estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the professional or consultant from the escrow account and reimburse the applicant if funds remain after payment.

(2) Additional Studies. The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of this Ordinance are met. The costs of such studies shall be borne by the applicant.

H. Financial Guarantee.

Prior to final approval of any plan, the Planning Board may require the applicant to post a bond, letter of credit, escrow arrangement, or other financial guarantee acceptable to the Board, in such amount as is reasonably necessary, to ensure completion of all improvements and in such form as is approved by the Board and the Town Selectpersons.

The Town and its agents shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project.

I. Appeals.

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

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

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

(2) Variance Appeals.
Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of non-vegetated surfaces, and setback requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

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

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

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

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

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

e. Not withstanding Section 16 (H) (2)©(ii) above,-the Board of Appeals, or the codes of enforcement officer if authorized in accordance with 30-A MRSA §4353-A, may grant a variance to an owner of a residential dwelling for a purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for the access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to sections 16(H)(4)(b)(iv) below.

(d) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(e) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

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

(4) Appeal Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.