

LAND USE PLANNING ORDINANCE

FOR THE

RURAL TOWN OF WATERFORD, MAINE

Effective July 1, 1975
Amended
March 4, 2006
March 3, 2012
March 7, 2020

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**LAND USE PLANNING ORDINANCE
FOR THE RURAL TOWN OF WATERFORD, MAINE**

Section 1. PURPOSE

The purpose of this ordinance is to insure for the orderly, beneficial, intelligently thought out growth of the Town of Waterford in accordance with the Comprehensive Plan, accepted land use planning and control standards; while striving to maintain the timeless rural setting, historic architecture and independent lifestyle that is a unique blend of the character of land and man in harmony and balance with one another.

Section 2. AUTHORITY AND ADMINISTRATION

A. Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A., Section 3001.

B. Administration

The Code Enforcement Officer for the Town of Waterford shall administer this Ordinance.

Section 3. APPLICABILITY

This Ordinance applies to all land area within the Town of Waterford that is not regulated by "Town of Waterford, Maine Shoreland Zoning Ordinance" (effective March 6, 1992).

Section 4. EFFECTIVE DATE

The effective date of this ordinance is March 4, 2006.

Section 5. VALIDITY AND SEVERABILITY

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

Section 6. AMENDMENTS

This Ordinance may be amended by majority vote of the legislative body (Town Meeting). Amendments may be initiated by majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

Section 7. NONCONFORMANCE

A. Purpose

It is the intent of this Section to promote land use conformities, except that nonconforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this Ordinance.

B. General Requirements

1. Transfer of Ownership

Nonconforming structures and lots may be transferred, and the new owner may 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 structures. All repairs and alterations shall comply with the provisions of applicable standards as contained in this Ordinance and all other applicable municipal and State requirements.

3. Rebuilding

If a nonconforming structure is damaged or destroyed by fire, other natural causes, or removed it may be rebuilt within three (3) years from date of destruction except as may be required by the Town of Waterford Floodplain Management Ordinance. Structures listed on the National Register of Historic Places shall be rebuilt in conformity of their surroundings. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

C. Nonconforming Structures

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.

D. Nonconforming Lots

1. Nonconforming Lots

A vacant, nonconforming lot of record recorded on or before the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirement not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots

If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and, if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

If two or more principal 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 they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules. 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 common ownership of record at the time of or since adoption or amendment of this Ordinance if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements. This subsection shall not be deemed to require contiguous lots in a subdivision approved and recorded prior to the effective date of this Ordinance to be combined.

E. Illegal Reduction in Dimensions

No lot shall be reduced or created in any manner that violates the requirements of this Ordinance. If land is subdivided, conveyed, divided or otherwise transferred in violation of this Ordinance, no building permit or other municipal permit shall be issued with reference to any of the land or lots so reduced or created until all such land or lots fulfill the dimensional regulations.

Section 8. LAND USE STANDARDS

The standards contained in this Section shall apply to all activities, unless otherwise specified, whether or not specific approval or a permit is required.

A. Residential Standards

Single-family dwelling units in conformance with all State and Federal regulations.

B. Dimensional Requirements

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

Minimum Dimensional Requirements

Minimum Lot Size/ Density	Minimum Street Frontage	Minimum Front Setback ¹	Minimum Side Setback	Minimum Driveway Setback Side/rear	Minimum Rear Setback	Maximum Impervious Surface Ratio ² (percent)	Maximum Structure Height ³
43,560sq.ft. (1 acre)	150 ft.	25ft.	25ft.	10 ft.	25ft.	60	35 ft.

NOTES:

1. Measured from the edge of the right-of-way.
2. The total area of all structures, parking lots and other non-vegetated surfaces.
3. Does not apply to structures not intended for human habitation.

C. Required Frontage/Access

1. All lots hereinafter created shall possess a minimum frontage on (1) a public street, (2) a private street or (3) be accessed by a legal right of way existing on or before the effective date of this Ordinance. See Section 8.L, (Backlots) for right of way requirements for lots created after the effective date of this Ordinance.
2. Corner lots shall have the minimum street frontage on streets.
3. Cul-de-sac Frontage

New building lots located at the cul-de-sacs along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may be designed so that they have a minimum of fifty (50) feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.

D. Multiple Structures

If more than one(1) principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front side, and rear setback and street frontage requirements. Each principal structure shall be designed on its own lot. Not more than two (2) principal structures shall be constructed or placed on a single parcel of land.

E. Setback Measurements

1. All setbacks shall be measured from the property line or from the street right-of-way to the nearest part of the structure.

2. For corner lots the front setback requirement shall be observed along all streets abutting the lot.

F. Heights Limits

Height Limits of thirty-five (35) feet may be exceeded for structures not intended for human habitation upon review and approval of the Code Enforcement Officer. In approving a height greater than thirty-five (35) feet the Code Enforcement Officer may consult with the Fire Chief and shall consider the type of structure, the structure's susceptibility to fire and the capacity of the fire department to effectively suppress a fire in or on the structure.

G. Lots for duplexes

Lots for a duplex shall require a minimum lot size of 65,340 square feet and minimum frontage of 225 feet.

H. Agriculture

Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination and nutrient enrichment of surface waters.

I. Silviculture

Silviculture operations, harvesting, and other forest management activities shall be conducted in such a manner that minimal soil disturbance results and adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters.

J. Sanitary Standards

Sanitary standards will conform with the Maine State Plumbing Code.

K. Air/Water Quality Protection

No activity shall discharge materials to contaminate, pollute, or cause nuisances.

L. Use of Backlots

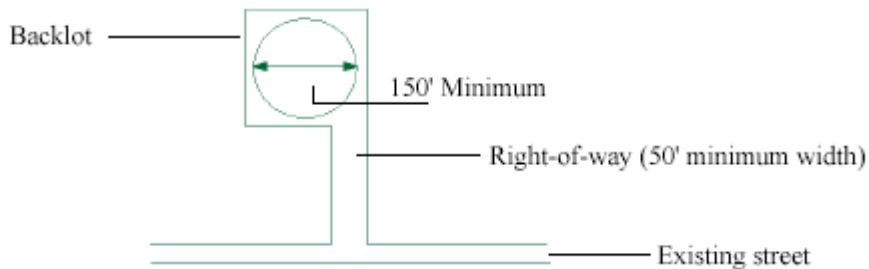
Back lots to be served by a right of way created after the effective date of this Ordinance may be developed for principal structures including lots in a subdivision if they are or can be provided with a right-of way that connects with a public street or a privately-owned street and which complies with the following provisions. Rights-of-ways existing prior to the effective date of this Ordinance are exempt from this subsection.

If a back lot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:

1. The right-of-way must be conveyed by deed recorded in the Oxford County Registry of Deeds to the owner of the back lot and be a minimum of fifty (50) feet in width.

2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
3. Except lots recorded on or before the effective date of this Ordinance, the right-of-way deed must be recorded in the Oxford County Registry of Deeds at the time the back lot is first deeded out as a separate parcel.
4. Creation of the right-of-way to serve the back lot shall not create a non-conforming front lot by reducing such lot's required street frontage below the minimum, or, if the front lot is already nonconforming, with respect to street frontage, reduce its street frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting street frontage requirements for the front lot.
5. The right-of-way may serve only one (1) single-family dwelling or one principal use unless the following provisions are met:
 - a. The right-of-way may serve two single-family dwellings if a driveway meeting the following standards is built.

Minimum travel width	12 feet
Minimum angle of street intersections	75 degrees
Maximum grade within 30 feet of intersections	2 percent
 - b. Erosion and sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.
 - c. The right-of-way may serve more than two dwellings provided the provisions of Section 8.J of the Town of Waterford, Maine Subdivision Ordinance is met.
6. No more than one (1) right-of-way for back lot development may be created out of a single lot fronting on a state or town maintained street or privately owned street unless each subsequent right-of-way is created out of at least an additional frontage as required in 8.B (Minimum Dimensional Requirements) and the right-of-way entrances to such street are at least the required frontage plus half of the right of way width.
7. All structures greater than 200 square feet on a back lot shall be located within an area defined by a circle with a minimum diameter of 150 feet. [See Diagram Below]



M. Accessory Apartment

1. Purpose

The purpose of these standards is to provide less expensive rental units; make housing units available to lower income households who might otherwise have difficulty finding housing in Waterford and to protect property values and traditional residential characteristics.

2. General Requirements

The conversion of single family dwellings legally existing on the effective date of this Ordinance and located on lots which otherwise would not meet the dimensional requirements for two (2) single family dwellings may be converted to a duplex or single family dwelling with an accessory apartment over the garage or another existing accessory structure with a permit issued by the Code Enforcement Officer provided that the following are met:

- a. Such conversion shall not create more than two (2) dwelling units in any structure including the original dwelling unit.
- b. The additional dwelling unit shall be complete, separate house-keeping unit that is separated from the original unit.
- c. The additional dwelling unit shall be designed so that the appearance of the structure remains that of a single-family dwelling, with the exception of emergency egress, if so required.
- d. The design and size of the additional dwelling units conform to all applicable standards in the Town of Waterford.
- e. Adequate off-street parking shall be provided which does not exceed the impervious surface ratio contained in Section 8.B (Minimum Dimensional Requirements).
- f. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

N. Elder Cottage Housing Opportunity (ECHO) Units

1. Purpose

The purpose of these standards is to provide for the temporary habitation of a dwelling unit, to be occupied by an older person(s) and/or a person(s) unable to live independently due to a disability on lots where single family dwellings exist, but do not meet the dimensional requirement for two single family dwellings, so that adult children may care for aging parents or certain persons with a disability.

2. General Requirements

The construction or placement (including a mobile/manufactured home) of an "ECHO" unit on a lot which a single family dwelling is located may be allowed by a permit granted by the Code Enforcement Officer regardless of lot size and frontage if the following are met.

- a. The owner of the principal structure or the owner's spouse, domestic partner, parent, grandparent, brother, sister, child, foster child, or grandchild related by blood, marriage or adoption must reside in either the principal structure or the "ECHO" unit.
- b. The occupants of the "ECHO" unit must be at least 62 years of age or be unable to live independently due to a disability.
- c. The number of occupants of the "ECHO" unit shall be limited to two persons.
- d. All setbacks and lot coverage requirements contained in Section 8.B (Minimum Dimensional Requirements) of this ordinance shall be met. Wherever possible, the unit shall be placed to the side or rear of existing structures.
- e. There shall be a separation of a minimum of fifteen (15) feet between the principal dwelling and the "ECHO" unit.
- f. The maximum size of the "ECHO" unit shall be 600 square feet of floor area and shall be limited in size to accommodate not more than two (2) bedrooms.
- g. The subsurface sewage disposal system on the property shall be functioning properly and be of sufficient size to accommodate the additional flow. In addition, there shall be sufficient land area for an expansion or replacement system which is in compliance with the State of Maine Subsurface Wastewater Disposal Rules, if needed.
- h. The parking requirements of the performance standards contained herein shall apply.
- i. Proper ingress and egress shall be provided to an "ECHO" unit.
- j. Prior to the issuance of a building permit for the placement or construction of an ECHO unit by the Code Enforcement Officer, the owner of the property shall sign a binding agreement limiting the approval of an ECHO unit for the purposes set forth in this subsection, and that ECHO unit must be removed or converted to a non residential/non business accessory structure within one year from the date of occupancy cessation or when no new qualified person lives within. In the case where the unit is a mobile home it shall be removed within one year from the date of occupancy cessation or when no new qualified person lives within.

O. Water Quality Protection

1. Purpose

The Maine Erosion and Sedimentation Control Law of 1997 requires in all organized areas of the state if a person is filling, displacing or exposing soil or other earthen materials, he or she must take measures to prevent unreasonable erosion of soil or sediment beyond the site or into a protected natural resource, such as a river, stream, brook, lake, pond, or wetland. The Town of Waterford finds that because of the importance of its rivers, streams, brooks, lakes, ponds, wetlands and aquifers local standards and enforcement are necessary to protect these resources.

The purposes of these standards are to maintain the water quality of lakes, ponds, rivers, streams, wetlands and aquifers in Waterford and those it shares with adjacent communities by controlling erosion and sedimentation.

2. Applicability

These standards shall apply to all activities which involve filling, grading, excavation or other similar activities located within 100 feet horizontal distance of a pond, lake, river, stream or upland edge of a wetland, or in contiguous areas of 20,000 square feet or more with sustained slopes greater than 10% which result in unstabilized soil conditions and which require a permit or approval by the Planning Board or Code Enforcement Officer.

3. Soil Erosion and Sedimentation Control Plan

A written soil erosion and sedimentation control plan shall be required. 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, erosion control berms, or diversion ditches.
- c. Permanent stabilization structures such as retaining walls or rip-rap.
- d. 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.
- e. Erosion and sedimentation control measures shall apply to all aspects of 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.
- f. Any exposed ground area shall be temporarily or permanently stabilized prior to a storm event or within one (1) week from the time it was last actively worked,

by use of rip-rap, 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:

- 1) Where hay 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.
 - 2) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - 3) 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, silt fences and/or erosion control berms.
- g. 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 rip-rap.

P. Phosphorous Loading Rates

All land uses requiring a permit from the Code Enforcement Officer and located in the direct watershed of a Great Pond shall limit phosphorus export from the site based on approval of one of the following methods of phosphorus control:

1. Point System

The Code Enforcement Officer may issue a permit if the development site meets or exceeds thirty (30) points based on the following schedule. This standard is considered to be an incentive to avoid conducting a technical analysis as required in Section 8.P.2 below.

- a. 10 points for clearing 15,000 square feet and less of existing vegetation.
- b. 15 points for clearing 10,000 square feet and less of existing vegetation.
- c. 15 points for the installment of rock-lined drip edges or other infiltration systems to serve the new construction
- d. 20 points for a 50-foot wide buffer located downslope of the developed area
- e. 25 points for a 75-foot wide buffer located downslope of the developed area
- f. 30 points for a 100-foot wide buffer located downslope of the developed area

2. Technical Analysis

The development site shall not exceed the allotted phosphorus export to the water body based on the phosphorus loading schedules established in Table 1, Section 5 of Waterford's Site Plan Review and is calculated in accordance with *Stormwater Management for Maine* (Maine Department of Environmental Protection et al., January 2006 with revisions as amended). All costs associated with the preparation of the technical analysis shall be the responsibility of the applicant.

Section 9. ADMINISTRATION

A. Administering Bodies and Agents

1. Code Enforcement Officer
2. Board of Appeals

B. Permit 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 that include the following.

1. Accessory Apartment (See Section 8.M)
2. Elder Cottage Housing Opportunity (See Section 8.M)
3. Phosphorous Loading Rates (See Section 8.P)
4. Any new building or expansion to an existing building.

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 Code Enforcement Officer. An application for a permit shall be accompanied by a non-refundable fee of \$25.00 plus \$1.00 per \$1,000.00 of the estimated cost including materials and labor over \$2,000.00. No fee is required for a building that has a foot print of 200 square feet or less. This application fee shall be made by cash or check, payable to the Town. The selectmen shall have the authority to revise this fee from time to time after conducting a public hearing. "After-the-fact" permits will be accompanied by a non-refundable fee of five (5) times the standard permit fee.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated and the Code Enforcement Officer shall note upon each application the date and time of its receipt.
4. A valid plumbing permit or a completed application for the plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within thirty-five (35) days of the date of receiving a written application the Code Enforcement Officer, 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 Code Enforcement Officer shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. Permits shall be approved 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.

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 of any State law which the municipality is responsible for enforcing.

E. Expiration of Permit

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

F. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- a. **Administrative Appeals:** To hear and decide appeals where it is alleged that there is any error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in administration of this Ordinance.
- b. **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. The Board shall not grant a variance unless it finds that:
 - 1) The proposed structure or use would meet the provisions of Section 9 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - 2) The strict application of the terms of this Ordinance would result in undue hardship.

The term “undue hardship” shall mean:

- a) That the land in question cannot yield a reasonable return unless a variance is granted;
 - b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c) That the granting of a variance will not alter the essential character of the locality; and
 - d) That the hardship is not the result of action taken by the applicant or a prior owner.
- c. The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance including without limitation 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 property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- e. The Board of Appeals shall limit, as strictly as possible, any variances granted in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

3. Appeal Procedure

a. Making an Appeal

- 1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board of Appeals, upon a showing of good cause, may waive the thirty (30) day requirement.
- 2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a) A concise written statement indicating what relief is requested and why it should be granted.

- b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
 - 3) Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 - 4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.
- b. Decision by Board of Appeals
- 1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - 2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act of the Code Enforcement Officer only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
 - 3) The person filing the appeal shall have the burden of proof.
 - 4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - 5) All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

4. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals. Should the Town prevail before any court the appellant shall be responsible for court and legal costs.

5. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

G. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land building or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

3. Legal Actions

- a. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or inequitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.
- b. The Town Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court Action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

Any approved administrative consent agreement shall be recorded in the Oxford County Registry of Deeds within thirty (30) days of its signing by the violator. In addition a one copy shall be attached to the assessment records.

4. Fines

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

Section 10. DEFINITIONS

Terms not defined herein shall have the customary dictionary meaning. As used in this ordinance, the following definitions shall apply.

Accessory Structure: A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.

Aggrieved Party: An owner of land whose property is directly affected by the granting or denial of a permit or variance; or a person whose land abuts or is across a street or body of water from land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

Backlot: Any lot or parcel of land that does not have frontage on a public or private street or lacks the required frontage as required in Section 8.B.

Building: Any structure that serves as support, shelter or enclosure of persons, animals, goods or property of any kind.

Comprehensive Plan: A document adopted by the Town of Waterford containing the elements established under Title 30-A MRSA section 4326, subsections 1 to 4 including strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of this Ordinance.

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

Direct Watershed of Lake or Pond: Any land area that contributes stormwater runoff either by direct surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

Driveway: A vehicle access way serving one lot or dwelling.

Duplex: A structure containing two dwelling units.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating.

1. Single Unit Dwelling: Any structure containing only one dwelling including manufactured/mobile homes.
2. Multi- Unit Dwellings: A structure containing three or more dwelling units being designed exclusively for residential use and occupancy.

"ECHO" Unit: A small residential living area (not more than 600 square feet of floor area) contained in a structure placed or constructed to the side or rear of an existing single-family dwelling to be occupied by one or two people who are (a) age 62 or older or (b) disabled, and who benefit from living close to the family.

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

Farm Road: A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and use primarily for farming activities, including crop management and harvesting.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Foot Print: The outline of the total area covered by a building's perimeter at the ground level.

Forest Management Activities: Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Impervious Surface Ratio: A measure of the intensity of land uses that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of this ordinance, impervious surfaces include buildings, structures, paved and gravel surfaces.

Increase in the Nonconformity of a Structure: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase the nonconformity. For example, there is no increase in nonconformity if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure.

Legal Right-of-Way: A right of passage granted by fee simple interest, easement or some other legal arrangement.

Logging Road: A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and use primarily for forest management activities, including haul roads and log yards but not skid trails and skid roads.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines.

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

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

1. Front Lot Line: Interior lots: the line separating the lot from a street or right-of-way. Corner lot or through lot; the line separating the lot from either street or right-of-way.
2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line at least dimension.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot, Minimum Area: The required lot area for a single use.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Oxford County Registry of Deeds on or before the effective date of this Ordinance.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Minimum Lot Width: The closest distance between the side lot lines of a lot.

Multi- Unit Dwelling: A structure containing three or more dwelling units being designed exclusively for residential use and occupancy.

Nonconforming Lot: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Nonconforming Structure: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Nonhabitated Accessory Structure: A structure which is incidental and subordinate to the principal use or structure which is not considered a dwelling unit.

Nuisance Condition: Any thing, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life is a violation of this Ordinance.

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

Private Owned Street: A street not maintained by the Town of Waterford or State of Maine but including a street serving a mobile home park which is not intended to be dedicated as a public way.

Public Street: A street maintained by the Town of Waterford or State of Maine.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes.

Right-of-way: All public or private streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Separate House Keeping Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family including independent provisions for living, cooking and eating.

Setback: The minimum horizontal distance from a lot line or street right-of-way to the nearest part of a building, including porches, steps and railings.

Silviculture: Theory and practice of controlling forest establishment, composition, and growth with treatments applied to maintain and enhance the productivity of the forest resource.

Street: Public and private ways such as highways, roads and other rights-of ways, as well as areas on a subdivision plan designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.

Structure: Include but are not limited to building(s), mobile homes, recreational vehicles, piers and flats, storage and processing facilities and telecommunication towers. Boundary walls, fences and flagpoles are not considered structures.

Substantial Start: Completion of at least 30% of a permitted structure or use measured as a percentage of the total estimated cost.

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery.

Undue Hardship: As used in the Ordinance, the words "undue hardship" shall mean all of the following:

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

A variance is not justified unless all elements are present in the case.

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the Ordinance would result in undue hardship.

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