

ARTICLE 4. PERFORMANCE STANDARDS

4.1 GENERAL

All uses of land, buildings and structures, **in the Town of Hermon** shall comply with the following regulations, where applicable. Unless otherwise indicated, these regulations pertain to all districts except the Shoreland District. Uses of land, buildings and structures within the Shoreland District shall be governed by the provisions and regulations of Article 6, Shoreland Zoning.

4.2 ACCESS

4.2.1 REQUIRED ACCESS

No building permit shall be issued for the construction of any building unless such building has the frontage required by this Ordinance and there is direct access to a way. One of the following conditions must be met:

A. Public Way. A public way with a roadway maintained by the Town, or the State.

B. Subdivision Street. A street in a land subdivision which has met the preliminary standards for streets in accordance with the "Regulations of Land Subdivision in the **Town of Hermon, Maine**" although such streets have not met the final standards required and although such streets have not yet been accepted by the Town.

4.2.2 VILLAGE COMMERCIAL DISTRICT

The following criteria shall be followed for entrances and/or driveways to any use other than single and two-family dwellings :

A. General Design Requirements

- 1) All entrance and exit driveways shall be located and designed in profile and grading to afford safety to traffic providing for safe and convenient ingress and egress, to and from the site, and to minimize conflict with the flow of traffic.
- 2) The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily.
- 3) Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.

B. Corner Obstructions. No fence, wall, sign, structure, or landscaping shall be placed within the area within twenty (20) feet of an intersection of any two streets in such a manner to materially impede vision between a height of two and one-half (2 1/2) and ten feet (10') above street level.

C. Corner Setback. Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty feet (50') of the point of tangency of the existing or proposed curb radius of that site.

Access to the lot shall be provided across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.

D. Sight Distances. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten feet (10') behind the curblineline or edge of shoulder.

Allowable speed (Miles per hour)	Medium Volume Driveways (Feet)	High Volume Driveways (Feet)
25	250	300
35	350	480
40	400	580
45	450	710
50	500	840
55	550	990

NOTE: Medium Volume Driveways - Driveways with a traffic volume of less than 1,500 vehicle trips per day or less than 150 vehicle trips per peak hour.

High Volume Driveways - Driveways with a traffic volume of 1,500 or more vehicle tips per day and more than 150 vehicle trips per peak hour.

E. Level of Service. The intersection of any access drive or proposed street shall function at a Level of Service of C as defined by the Institute of Traffic Engineers following development if the project will generate four hundred (400) or more vehicle trips per twenty-four (24) hour period or at a level which shall allow safe access into and out of the project if less than four hundred (400) trips are generated. Projects generating four hundred (400) or more vehicle trips per twenty-four (24) hour period shall provide two (2) or more separate points of vehicular access into and out of the site.

F. Distance Between Driveways. Where two (2) or more driveways connect on a single site to any one (1) road, a minimum clear distance of one hundred feet (100') measured along the right-of-way shall separate the closest edges of any two (2) such driveways, unless the driveways are one way only, then the minimum clear distance shall be no less than fifty feet (50').

G. Angles. Driveways used for two-way operation shall intersect the road at an angle of or as near to ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees. Driveways used by vehicles in one (1) direction of travel (right-turn only) shall not form an angle smaller than forty-five (45) degrees with the road, unless acceleration and deceleration lanes are provided.

H. Dimensions. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize high to maximum dimensions.

	One-Way Operation Driveways* Width (Feet)	Two-Way Operation Driveways* Width (Feet)
Three (3) to ten (10) dwelling units	10 to 15	15 to 25
Ten (10) dwelling units or more	15 to 25	20 to 35
Commercial and industrial	15 to 30	25 to 35
*All driveways shall be five feet (5') wider at the curbline and this additional width shall be maintained for a distance of twenty feet (20') into the site.		

I. Grades. Driveways shall not have a grade in excess of ten percent (10%) over the entire length. For all driveways entering onto Route 2, the grade shall not be more than three percent (3%) for the first one hundred feet (100') from the road.

J. Stacking or Queuing Standards for Drive-Through Businesses. Stacking or queuing spaces shall be located on-site and shall not be located within the required setbacks. Stacking or queuing spaces shall not interfere with the stall and aisle space requirements as described in the off-street parking and loading.

- 1) Banks or other Commercial Uses. There shall be a minimum of eight (8) spaces.
- 2) Drive-up Restaurant. There shall be eleven (11) spaces for the drive-up window, with a minimum of five (5) of these spaces for the ordering station.

K. Shared Driveways. Shared driveways shall be encouraged for adjacent sites with frontage on Route 2 in order to minimize the number of driveways along Route 2. The lot size and road frontage requirement may be reduced by a total of 10 percent when the developer agrees to provide a common driveway to the site.

L. Direct Access Prohibited. Where a proposed development involves the division of a tract or parcel of land into 3 or more lots within any 5-year period, whether accomplished by sale, lease, development, buildings or otherwise, as defined by the Subdivision Law, Title 30-A MRSA sections 4401-4407, and where such project abuts Route 2, the following provisions shall apply:

1) Direct Arterial Access Prohibited. Direct access to any individual lot, or to a single place of business, shall be prohibited unless the **Planning Board** determines that physical conditions particular to the parcel justify the granting of a waiver from this requirement. A waiver shall be granted only if there will be no further subdivision of the parcel and one of the following conditions is met:

- a) There is too little road frontage to reasonably allow creation of a new way;
- b) The shape or physical condition of the parcel does not permit access to or creation of a street other than Route 2.
- c) Common access will be utilized which will allow all proposed lots to be serviced by one new curb cut.

2) Permitted Access. Access to the development may include one of the following:

- a) *A common frontage road* running parallel to Route 2 provided that such frontage road shall be located at least 50 feet from the right-of-way of Route 2. As an alternative to constructing the service road, the Town and the developer, acting through a formal agreement, may agree that small sites may be served by individual, temporary driveways until adjacent lots are developed, provided that a service road shall be constructed by a mutually agreed upon date, after which the temporary driveways shall be closed and consolidated into one or two access points.
- b) *A common driveway*, which may intersect Route 2, and which serves the individual lots or businesses or a common parking lot adjacent to the individual lots or businesses.
- c) *Minor Road(s)*. One or more minor roads, to be constructed by the developer according to the standards of this Ordinance, which shall serve the development.

4.3 AGRICULTURE AND PETS

4.3.1 MANURE SPREADING

All spreading or disposal of manure shall be accomplished in conformance with the "Maine Standards for Manure and Manure Sludge Disposal on Land" published by the University of Maine and Maine Soil and Water Conservation Commission in July 1972, and as this may be amended or superseded.

4.3.2 FARM BUILDINGS

Farm buildings other than dwellings, shall not be constructed within seventy-five (75) feet of a neighboring property line.

4.3.3 FEED LOTS

Feed lots, fenced runs, and similar intensively used facilities, for raising and caring for animals, excluding pastures, shall not be located within one hundred (100) feet of a neighboring property line. Intensive Use: "Intensively Used" shall be the keeping of animals on a plot of land which is used to hold more than numbers of animals per acre given in this section.

Dairy Cattle 1.2 animals/acre
Horses 2 animals/acre
Chickens 141.5 animals/acre

Beef Cattle 1.4 animals/acre
Sheep 9.1 animals/acre
Swine 3.7 animals/acre

Acreage shall be calculated based on the area utilized by the animals during the winter, except that no area shall be considered to be smaller than one acre.

4.3.4 ROADSIDE STANDS

Roadside stands for the sale of agricultural products shall conform to the following requirements:

- A. They shall be constructed at least forty (40) feet back from the right of way line.
- B. They shall be used exclusively for the sale of agricultural products.
- C. Signs shall not exceed four (4) square feet of surface area and shall otherwise comply with the provisions of this Article regulating signs.
- D. Roadside stands shall be operated on land owned or leased by the vendor.
- E. Roadside stands shall not exceed two hundred (200) square feet in size.
- F. Roadside stands shall provide off-street parking entirely on the same parcel as the stand is located or on adjacent parcel leased or owned by the owner/operator. In no instance should parking be separated from the stand by a traveled way.

4.3.5 HOUSEHOLD PETS

Nothing in this Section prohibits the keeping of household pets such as dogs and cats. The keeping of horses, ponies, and other large pets, requires conformance to Subsections 4.3.2 and 4.3.3.

4.3.6 LIVESTOCK FOR HOME USE

A minimum of two acres shall be provided for the first "head of livestock kept for home use" with an additional acre for each additional head. For purposes of this provision, a head of livestock shall be considered as one of the following: a dairy cow, a beef, two (2) horses, twenty-five (25) fowl, twenty five (25) rabbits, or seven (7) sheep. Land which has soils types rated incapable of accepting manure or manure sludge per "Maine Guidelines for Manure and Manure Sludge Disposal on Land", Miscellaneous Report 142 of the University of Maine at Orono, published July 1972, shall not be included in the calculation for land area per head of livestock nor shall land which is not pastureable due to existing site conditions (such as being forested). A map entitled "Soils Not Suitable for Manure" and based on Miscellaneous Report Number 142 and Soil Conservation Service medium intensity soils map for Hermon, Maine, shall be used to determine the former condition: the latter condition shall be determined by the **Code Enforcement Officer** by inspection or other suitable means. Maps entitled "Soil Rated for Pastureland" and "Annual Nitrogen Absorption Capability in Pounds" and tables entitled "Maximum Number of Livestock on 2, 3, and 4 Acre Lots Based on the Rated Number of Cow-Acre Days for Dairy, Beef, Horses, Swine and Sheep" and "Maximum Number of Livestock Per Acre, Based on Soil Limitations to Absorb Manure (Annual Pounds of Nitrogen)" are on file at the Town Office and shall be used as background data in the instance of **Site Plan** reviews.

4.3.7 RIGHT TO FARM

The following provisions shall apply to all land areas in the Agriculture/ Forestry and Rural Residential Districts:

A. Agricultural Buffers. Wherever agricultural uses and new development unrelated to the agricultural operations abut, one hundred (100) foot deep buffers shall be provided to reduce the exposure of the abutting development to odors, noise, and other potential nuisances related to the agricultural operation. Provision of buffers shall be the responsibility of the proponent of the non-agricultural use. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features.

B. Right to Farm. Pursuant to 17 M.R.S.A. 2805, no method of operation used by a farm or farm operation located in the Agriculture/Forestry or Rural Residential Districts may be considered a violation of this Ordinance, if the method of operation constitutes a best management practice as determined by the Maine Department of Agriculture.

C. Required Disclosure. In the case of any proposed residential development that abuts agricultural uses, the reviewing entity shall require

the applicant to issue a disclosure to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise, and vibration." This disclosure shall be required as a note on a Subdivision Plan or Site Plan, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, inclusion in an offering plan or real estate listing information sheet, or letter of notification. This Section may also be applied to any commercial development at the discretion of the reviewing entity.

4.4 AIR POLLUTION AND FIRE CONTROL

4.4.1 DEP STANDARDS

It shall be unlawful within the **Town of Hermon** for any person to discharge into the atmosphere soot, fly ash, dust, cinders, dirt, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter or other materials, in such a manner as to constitute atmospheric pollution in excess of the performance standards as established by the Maine State **Department of Environmental Protection** as may be amended from time to time.

4.4.2 ODOR

Tanneries, stock yards, glue factories, oil refineries, soap factories, artificial gas manufacture and similar uses must present detailed plans for elimination of obnoxious odors to the **Code Enforcement Officer** before a building permit is granted.

4.4.3 NOXIOUS GASES

Detailed plans of any process likely to emit noxious gases must be presented to the **Code Enforcement Officer** providing for the control of such gases or fumes before a building permit is granted.

4.4.4 FIRE AND SAFETY HAZARDS

Only such structures which are constructed in conformity with the "Building Code of the **Town of Hermon**, Maine." are permitted.

4.4.5 Noise and Hours of Operation

If the Planning Board feels that the proposed project includes an activity which will produce more than the ambient levels of noise for the immediate area then the applicant shall produce documentation on levels of noise anticipated during normal business hours. After reviewing the documentation the Planning Board may limit the

hours of operation of any project or deny any project if they feel it will be detrimental to the features of the neighboring properties.

a: Ambient- meaning the noise is constantly and spontaneously occurring as” background noise”.

b: Features- meaning a prominent part or characteristic of the surrounding environment.

4.5 AIRPORT FLIGHT PATH

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any district established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between Bangor International Airport and aircraft, make it difficult for pilots to distinguish between airport lights and other, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

4.6 ARCHAEOLOGICAL/HISTORIC SITES

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 **Code Enforcement Officer** or **Planning Board**, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the **Code Enforcement Officer** or **Planning Board**. The **Code Enforcement Officer** or **Planning Board** shall consider comments received from the Commission prior to rendering a decision on the application and shall require that archaeological sites and historic places be protected to the maximum extent possible in accordance with the Commission's recommendations.

4.7 CAMPGROUNDS

Campgrounds shall be allowed in those districts specified by this Ordinance. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and to the following provisions. Campgrounds within the Shoreland District shall comply with Article 6.

4.7.1 Campgrounds.

Definitions:

1. A campground shall mean land upon which one or more tents are erected or recreational vehicles are parked for temporary dwelling use on sites arranged specifically for that purpose, and for the use of which sites a fee is charged.
2. A recreational vehicle shall mean travel trailer, camping trailer, and motor home.
3. A recreational vehicle site shall mean a parcel of land for the placement of a single recreational vehicle.

4. A tent site shall mean a parcel of land for the placement of a single tent.

4.7.2 General:

1. Campgrounds shall provide water and sewer systems, sanitation stations, and convenience facilities in accordance with the regulations set for by the Maine Department of Human Services and the **Town of Hermon**.

2. Campgrounds shall contain a minimum of two thousand square feet (not including roads and driveways) for each recreation vehicle site outside of the Shoreland District.

3. Recreational vehicles, tent sites, utility buildings, and service buildings outside the shoreland district shall be set back a minimum of 25 feet from any park boundary line abutting upon a public street or highway and at least a minimum of 25' from any other park or area property lines lot lines.

4. All campgrounds shall be completely screened from adjacent land and public roads by a vegetative buffer area of not less than twenty-five feet in width and not less than six feet in height, except that safe visual clearances shall be provided at each entrance to and exit from the campground.

5. All campgrounds shall be set back at least one thousand (1000) feet from any R-A zone.

6. Vegetative buffer shall consist of conifers trees such as pine, spruce, and fir.

7. A minimum of three hundred square feet of off-street parking space shall be provided for each recreational site.

8. No less than twenty (20) and no more than four hundred and fifty (450) campsites in any one campground.

9. No travel trailer, camper, self-contained vehicles, or similar vehicles shall be used as a permanent place or abode, dwelling or business for indefinite periods of time. Continuous occupancy extending beyond four (4) months in any twelve month period shall be presumed to be permanent occupancy. Further, the duration of stay during October 1 to April 30 shall be limited to a total of thirty (30) days for any individual or unit, and then only if the campground can furnish sewer and water on site during this period as required by the State of Maine Subsurface Wastewater Disposal Rules.

4.8 CHILD DAY CARE FACILITIES

4.8.1 PERMIT - FAMILY DAY CARE HOME

A permit to operate a Family Day Care Home in **the RR, RA, RB and RC** districts shall be issued by the **Code Enforcement Officer**, provided that:

A. State registration / licensing requirements are met.

B. Lot size, building size, setbacks and lot coverage conform to those applicable to the zoning district.

C. One off-street parking space is provided for each nonresident or non-family member employee in addition to the two spaces required for the dwelling. The residential driveway is acceptable for this purpose.

D. If located on Route 2, an off-street drop off/pick-up area must be provided.

E. Signage, if any, must conform to the zoning district.

F. A family day care home shall care for no more than three children under two years of age, including the applicant's own and foster children under two years of age.

G. Proof of notification of all abutting property owners (and tenants in a multi-family dwelling) of the plans to operate a day care center shall be submitted.

4.8.2 PERMIT - EXTENDED DAY CARE HOME

A permit to operate an extended day care home shall be issued by the **Code Enforcement Officer** only upon Site Plan Approval of the **Planning Board**, subject to the same conditions listed in Section 4.8.1. of this Ordinance, Subsections A. through H. In addition:

A. No structured area for active play or play structures will be located in the front yard.

B. Play areas will not be less than 35 square feet per child regardless of location. Outside play areas shall be fenced in with appropriate fence similar to chain link or picket type; minimum 4 feet in height.

4.8.3 MINI-DAY CARE

A permit to operate a Mini-Day Care Center will be issued by the **Code Enforcement Officer** as follows:

A. Zoning District **R-B**. A mini-Day Care Center shall be allowed only upon **Site Plan Review approval** from the **Planning Board**

B. Zoning Districts **C, VC, I and IP**. A Mini-Day Care Center is permitted **subject to the approval of the Code Enforcement Officer**, provided that the conditions set forth in **4.8.2**, subsection A through H are met.

C. Fire egress/escape plans shall be posted in all interior spaces occupied by the facility and shall be reviewed with new children as part of their orientation and on a monthly basis thereafter.

D. The ratio of children to care provider(s) shall in no case exceed 6:1.

4.8.4 CHILD DAY CARE CENTER

A permit to operate a Child Day Care Center will be issued by the **Code Enforcement Officer** as follows:

A. Child Day Care Centers are encouraged in existing residences in I and IP zones.

B. Zoning Districts **C, VC, I and IP**: Child Day Care Center shall be allowed only upon **Site Plan Approval from the Planning Board, provided that the following conditions are met:**

- 1) State Registration/licensing standards and requirements are met.
- 2) Setbacks, screening, and landscaping conform with the applicable portions of this Zoning Ordinance.
- 3) Structure shall meet building, sanitation, health, traffic safety, and fire safety requirements.
- 4) All other applicable state and local rules, regulations, ordinances and laws are complied with.

4.9 CORNER CLEARANCE

Corner Obstructions. No fence, wall, sign, structure, or landscaping shall be placed within the area within twenty (20) feet of an intersection of any two streets in such a manner to materially impede vision between a height of two and one-half (2 1/2) and ten feet (10') above street level.

4.10 EARTH-MOVING ACTIVITY

4.10.1 PERMIT REQUIRED

With the exception of the Shoreland Zone, in all districts, the removal in one year of topsoil, rock, minerals, sand, gravel, and similar earth materials, from or to a location, requires a permit **as shown in Section 3.7.5 Schedule of Uses**. However, such permit for earth-moving activity is not necessary if the removal of earth is incidental to construction, alteration, or repair of a building, or the removal, transfer or filling of earth material is incidental to construction, alteration, or repair of any public way, private way, or essential services.

Examples of incidental activity include, but are not limited to, digging a foundation, grading for a driveway, and stockpiling of topsoil. **See Article 6 for earth-moving in the Shoreland Zone.**

4.10.2 STANDARDS

Upon being shown plans for such activity, the **Planning Board** shall issue a permit, where required, provided that the proposed activity meets the following standards:

- A. Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon completion of operations, it shall be at a slope not steeper than one unit vertical to two units horizontal.
- B. Screening and other landscaping methods are used so as to protect surrounding property from dust, air pollutants, noise and other disturbances.
- C. No below-grade excavation except for drainageway shall be allowed within one hundred (100) feet of any lot line or public way.
- D. A temporary ground cover (mulch) shall be used and a permanent ground cover (e.g. grass) shall be sowed as soon as practical.

4.10.3 BOND OR OTHER SECURITY

The **Planning Board** shall request a bond or other security to insure that the property is left in a safe and environmentally sound condition and to insure compliance with any conditions imposed in issuing the permit. **The Planning Board shall require a bond for earth moving activities in, on or over the Town's sand and gravel aquifers, as identified in the Town of Hermon Comprehensive Plan, 1995, which lie along the Souadabscook Stream.** In determining the amount of such bond or security, the **Planning Board** shall consider the amount necessary to rehabilitate the property upon breach of condition or other default by the operator of the earth-moving activity.

4.10.4 PERMIT EXPIRATION

A permit shall be valid for a period of three (3) years from the date of issuance. Such permit may be renewed for additional periods in the same manner.

4.10.5 EXISTING OPERATIONS

Any earth-moving activity in lawful operation at the time this Ordinance becomes effective, may operate for a period of three (3) years from the effective date. Continuation of such existing operation for more than three (3) years shall require a permit. Discontinuance of any existing operation for a period of more than one year shall require application for and issuance of a new permit.

4.11 ELDER LIVING QUARTERS

4.11.1 GENERAL

Elder Living Quarters shall be established in conformance with the provisions of this Ordinance and the Building Code Ordinance of the **Town of Hermon**, Maine, as amended.

4.11.2 SITE PLAN REVIEW REQUIRED

Elder Living Quarters shall only be constructed/located with a **Site Plan Review** Permit approved by the Code Enforcement Officer

A. A **Site Plan Review** Permit for an Elder Living Quarters shall be issued in the name of the owner(s) of the property.

B. A **Site Plan Review** Permit for Elder Living Quarters shall be valid for a period of one (1) year.

C. A **Site Plan Review** Permit shall be automatically renewed for an additional one (1) year period upon presentation of an inspection report from the **Code Enforcement Officer** documenting that the use continues to be in conformance with the terms, conditions and restrictions of the original **Site Approval**.

D. A **Site Plan Review** Permit for Elder Living Quarters shall automatically expire upon the death of the parent(s)/grandparent(s) or Elderly Kin or if they are not occupying the unit for 12 months.

4.11.3 SITE PLAN

Any application for Elder Living Quarters shall include a Site Plan showing the following.

- A. lot boundaries and dimensions at scale,
- B. zoning district,
- C. date of plan,
- D. property owner(s) with deed reference,
- E. lot area,
- F. location and setback of all buildings,
- G. rights of way, public and private,
- H. all easements,

I. street names,

J. sewerage facilities (including design of existing subsurface wastewater disposal system, if applicable), and

K. off-street parking spaces.

4.11.4 BUILDING PLAN

Any application for Elder Living Quarters shall include a building plan showing the following:

- A. separate floor layout of all finished levels,
- B. all plumbing facilities, kind and location,
- C. use of all rooms,
- D. all entrances/exits,
- E. all partitions, temporary or permanent,
- F. location and type of all appliances, and
- G. parking area.

4.11.5 SANITARY PROVISIONS

Any request for Elder Living Quarters shall conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by on-site subsurface wastewater disposal system shall be modified to create Elder Living Quarters until a site evaluation has been conducted by a licensed Site Evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.

4.11.6 FLOOR AREA

There shall be no minimum gross floor area for Elder Living Quarters contained in the main dwelling unit. The minimum size of an Elder Living Quarter which is not a mobile home shall be 750 square feet, but shall not exceed fifty (50) percent of the floor area of the main dwelling unit. Floor area measurements shall not include an unfinished attic, basement or cellar spaces.

4.11.7 MOBILE HOMES- Placement of a Mobile Home for ELQ needs Site Plan Approval from Planning Board. Elder Living Quarters which are mobile homes shall be removed from the lot upon expiration of **Site Plan Approval**.

4.11.8 RENTAL PROHIBITION

Elder Living Quarters shall not be rented, leased or otherwise occupied by anyone other than the parent(s)/grandparent(s) or Elderly Kin of the owner(s).

- A. Exception: Elder Living Quarters may be occupied by one (1) adult, handicapped child of the owner(s) and one (1) personal attendant of the handicapped individual.

4.11.9 SPACE WITHIN DWELLING

Elder Living Quarters within the existing principal dwelling shall be converted to additional living space or to another use in accordance with the provisions of this ordinance upon expiration of **Site Plan Approval**.

4.11.10 SPACE WITHIN ACCESSORY BUILDING

Elder Living Quarters within an accessory structure may be converted to another use in accordance with the provisions of this ordinance and the Building Code.

4.12 HEIGHT REGULATIONS

The following uses are exempt from height regulations, providing that the excess height will not present a hazard to air traffic or otherwise violate State or Federal regulations of air space: Farm buildings, outdoor movie screen, television or radio tower (**except as provided in section 4.27**), church spire, belfry, monument, water and fire tower, stage tower and scenery loft, cooling tower, ornamental tower and spire, chimney, elevator bulkhead, smokestack and flagpole, structure necessary for essential services . If any of the listed structures is to be located on a roof at a height in excess of that permitted in the applicable district, it shall be authorized only if the structure is not more than ten (10) percent of the total roof area, and is set back from the nearest lot line or right of way line, at least one foot for each foot of excess height.

4.13 HOME OCCUPATIONS

4.13.1 ACCESSORY NATURE

Home Occupations shall be accessory and incidental to a dwelling and shall include, but are not limited to, art studios, beauty shops, dressmaking, teaching, or professional offices such as that of a physician, dentist, lawyer, engineer, architect, or accountant, or small home businesses, which may involve the sale, crafting, or other creation of goods or products on the premises, or home vocations which involve the application of a trade or skill, such as a mechanic. Home occupations which exceed the limitations of this section shall be considered retail or service businesses, and shall be subject to the permit requirements of Article 3.

4.13.2 HOME OCCUPATION 1: WITHIN RESIDENCE OR ASSESSORY BUILDING

A. The home occupation shall be carried on wholly within the dwelling or garage.

B. The home occupation shall be carried on only by a member or members of the family residing in the dwelling unit, provided that an office in the home may employ persons who are not members of the family residing in

the dwelling, provided the maximum number of employees, including all family members employed in the business, does not exceed five (5).

C. There shall be no exterior display, no exterior sign except as expressly permitted by district regulations of this Ordinance or as required by State law (such as a motor vehicle inspection sign), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

D. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, light, or activity outside the hours of 7 AM through 9 PM, shall not be permitted.

E. In addition to the off-street parking required to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of users which the home occupation may attract during peak operating hours, provided that such parking areas shall be located a minimum of 25 feet from the property lines.

F. There shall be no trans-shipment of goods or products to or from the premises. Mail order businesses employing off-site drop shipment are permitted as home occupations within a residence.

G. The home occupation shall not utilize more than forty (40) percent of the gross floor area of the dwelling unit itself. An unfinished basement floor area shall not be included in the calculation of the gross floor area.

4.13.3 HOME OCCUPATION 2: OUTSIDE RESIDENCE (EXCEPT FOR RESIDENCE-BASED SERVICE BUSINESS)

The provisions of this sub-section shall apply to home occupations outside the residence other than residence-based service businesses and to home occupations within a residence that do not otherwise meet the provisions of Section 4.13.2 or 4.13.5.

A. The home occupation shall be carried on only by a member or members of the family residing in the dwelling unit and up to five employees who are not members of the family residing in the dwelling unit.

B. There shall be no exterior display or sign except those expressly permitted by district regulations of this Ordinance or as required by State law.

C. Exterior storage of materials shall occupy no larger than 10,000 square feet of land area and such land area shall be at least 100 feet from any residential dwelling unit other than that of the owner of the facility.

D. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, lights, or activity outside the hours of 7 AM to 9 PM, shall not be permitted. The operation or testing of machinery and engines in other than enclosed buildings, including but not limited to saws, splitters, snowmobiles, all-terrain vehicles and other motor vehicles, shall be at least 500 feet from any residential dwelling unit other than that of the owner of the facility, and shall take place between the hours of 7:00 AM and 9:00 PM.

E. In addition to the off-street parking required to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of users which the home occupation may attract during peak operating hours, provided that such parking areas shall be located a minimum of 25 feet from the property lines.

F. Home occupations outside the residence shall occur wholly within accessory structures located on the premises. Such accessory structure shall not exceed 100% of the gross floor area of the dwelling unit itself.

4.13.4 WAIVER OF EMPLOYMENT LIMITATION

The **Planning Board** may waive the employment limitations contained in Section **4.13.2 and 4.13.3** when it determines that a home occupation is temporary and seasonal in nature, based on the following standards and provisions:

A. The proposed home occupation meets the provisions of Section 4.13 exclusive of the employment limitation, and receives Site Plan Approval in accordance with the provisions of Article 8.

B. The proposed home occupation is a seasonally-determined activity which is conducted no more than thirty consecutive calendar days in any one year. The seasons shall be commonly recognized periods based on natural or cultural recurrences.

C. The proposed home occupation would not employ more than ten persons.

D. The proposed home occupation does not entail over-the counter or customer pick-up sales conducted on the premises.

4.13.5 HOME OCCUPATION 3: RESIDENCE-BASED SERVICE BUSINESS

A. Definitions. Residence-based Service Businesses shall be certain limited business uses of residential premises which do not significantly detract from the residential character and tranquility of the surrounding area, provided they are regulated. This section addresses service businesses based at a residence, where the services are performed off the

premises, and instances where the resident is employed by a service business and wishes to keep certain business vehicles or equipment at his personal residence for convenience. The Business use is clearly secondary and incidental to the primarily residential use of the property.

B. Examples. Examples of the types of service businesses covered by this section are as follows:

- 1) excavation services;
- 2) well drilling services;
- 3) painting and other contractors;
- 4) oil burner services;
- 5) oil or propane delivery services;
- 6) independent truckers;
- 7) snowplowing services;
- 8) boom truck and crane services;
- 9) automotive towing/wrecker services;
- 10) paving services; and
- 11) service businesses similar in operation to those listed above.

C. Standards. Such residence-based service businesses are subject to site plan review and to the following conditions and limitations:

- 1) Primary Occupation.** The business serves as the primary occupation of the resident or a member of the resident's household.
- 2) Resident-Based.** The business is owned and/or operated by a Hermon Resident out of the property on which he/she resides.
- 3) Inspection Sticker.** All business vehicles must have a current inspection sticker and be registered, if required.

4) Allowable Vehicles. The number of business vehicles permitted on a lot shall be determined as follows:

LOT SIZE MAXIMUM # OF VEHICLES

1 Acre or Less - 2

2 Acres - 6

More Than 2 Acres - 3 Vehicles per Acre

5) Off-Street Parking. A provision for off-street parking must be made for personal vehicles of employees of the business which complies with Section 4.16.

6) Screening. The parking areas for business vehicles must be screened from the view of all side and rear abutting properties, and must meet the setback otherwise required of structures. Screening shall consist of opaque vegetation (evergreens, shrubs, etc.) or

fencing, to a height of at least eight (8) feet, and must be on the property of the applicant.

7) Sale Prohibitions. The business activity may not include sale at wholesale or retail to customers on the premises, delivery on the premises to customers of items sold or leased, or drop-off or pick-up of any items or goods by customers at the premises.

8) Outside Storage. The outside storage of materials is not permitted where it would be visible to abutters' homes or traveled roads.

9) Allowable Sign. One business sign may be maintained on the premises, not larger than would be allowed otherwise in the zone.

10) Planning Board Oversight. The **Planning Board** shall determine whether a particular business use conforms with this section. It may impose in individual cases additional reasonable conditions, limitations, protective measures and prohibitions regarding hours of operation, screening, traffic, noise, smells, smoke, presence or use of hazardous, toxic, flammable or explosive substances, number or type of business vehicles, or other business activity, and other matters directly relating to the business use of the residential premises or its impact upon the surrounding area (which are impossible to predict, quantify and catalogue exhaustively in this ordinance), as it may deem necessary to preserve the residential character of the immediate area and to avoid negative impact of, or risk from, the business operations upon neighboring properties and residents.

D. Non-Conformance. Any uses falling within Section 4.13.5 which were in active existence on the effective date of this ordinance shall be considered pre-existing nonconforming uses, but only to the extent of the actual active pursuit of the use (in numbers of employees, vehicles, types of use, etc.) Any subsequent change or diminution of such use will result in the partial or total loss of such "grandfathered" status, and such use may not thereafter be revived without **Site Plan Approval** under this section. In addition, the provisions relating to nonconforming uses which are no less stringent than those set forth in this section shall apply to such uses.

4.14 LANDSCAPING

4.14.1 GENERAL LANDSCAPING

Property zoned Commercial, Village Commercial, Industrial or Industrial Park and all uses subject to Site Plan Review shall provide for a variety and mixture of landscaping. Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties. The variety shall be based on a consideration of susceptibility to disease, hardiness for specific site location, colors, seasons, textures, shapes, sizes, blossoms and foliage. Planted vegetation shall take the form of shade trees, deciduous shrubs, evergreen, ground cover, perennial and/or annual flower beds and well kept grassed areas and be approved by the **Planning Board**.

4.14.2 VEGETATION STANDARDS

A. At least one (1) shade tree at least five (5) feet in height and at least one (1) inch in diameter, shall be planted in each thousand (1,000) square feet of required landscaped area; and at least one (1) deciduous shrub or evergreen at least eighteen (18) inches above finished grade level, shall be planted for each five hundred (500) square feet of required landscaped area.

B. A total of 25% of non-impervious surfaces must be landscaped with trees, shrubs, ground covers (including grasses) and/or flowers. All non-impervious surfaces must be covered with living plant material.

C. Primarily wooded property shall be required to landscape 25% of any cleared non-impervious surfaces.

D. Landscaping may be waived by the **Planning Board** for fire, security or safety reasons upon a showing by the applicant of the need for such waivers.

4.15 MANUFACTURED HOUSING/MOBILE HOMES - INDIVIDUAL UNITS

4.15.1 OLDER MOBILE HOMES

A. Nonconforming Structures. Older mobile homes, defined as mobile homes built prior to June 15, 1976, which were legally existing in the **Town of Hermon** as of August 4, 1988, shall be considered nonconforming structures and may continue and may be maintained, repaired, improved, and expanded. Legally nonconforming older mobile

homes may also be relocated from one lot to another within a mobile home park, from one mobile home park in the **Town of Hermon** to another mobile home park in the **Town of Hermon**, from an individual lot in the **Town of Hermon** to a mobile home park.

B. Importation of Older Mobile Homes. Older mobile homes shall not be relocated into the **Town of Hermon**.

C. Permit Required. A building permit shall be obtained prior to moving an older mobile home from one individual lot to another individual lot or from a mobile home park to an individual lot.

D. Alteration of Older Mobile Homes. No person shall remove any structural component from under the older mobile home, such that it might weaken its structural integrity unless the older mobile home is to be set on a permanent foundation that shall adequately support the older mobile home in such a way as to maintain its structural integrity.

4.15.2 MANUFACTURED HOUSING/NEWER MOBILE HOMES

A. Placement on Individual Lots. A manufactured housing unit meeting the following standards may be placed on any residential lot in the AF, RR, RA, RB and RC Districts:

- 1) Minimum horizontal dimension: 14 feet (24 feet in RA zone),
- 2) Living space: at least 750 square feet,
- 3) Roof: a pitched, shingled roof as defined in 30-A MRSA Section 4358.1.E.
- 4) Construction: meets standards of the U.S. Department of Housing and Urban Development,
- 5) Siding: residential in appearance,
- 6) Foundation: Any foundation system allowed by the State's "Manufactured Housing Installation Standards," 1991, as amended, with properly attached and residential appearing skirting, or a full basement.

4.15.3 CONSTRUCTION SITES

The **Code Enforcement Officer** may issue a special permit for use of a mobile home for a temporary office for the length of the project period in districts where offices are permitted or on construction sites anywhere in the **Town of Hermon**.

4.15.4 PLACEMENT IN A MOBILE HOME PARK

The following types of manufactured housing may be placed in an approved mobile home park:

- A. newer mobile homes
- B. modular homes

C. older mobile homes which meet the safety standards as set forth in Section 4.15.6 of this Ordinance and the following:

- 1) are at least twelve (12) feet in width,
- 2) have a minimum of seven hundred twenty (720) square feet of living area,
- 3) have a roof which sheds snow (minimum pitch 4/12), and
- 4) have residential siding.

4.15.5 TRAVEL TRAILERS

A travel trailer shall in no case be used as a mobile home and any travel trailer in use as a temporary dwelling (i.e. not more than 3 months) shall have adequate health and sanitation facilities provided. A travel trailer while not in use may be stored on the premises of the owner.

4.15.6 SAFETY STANDARDS FOR OLDER MOBILE HOMES

A mobile home which was constructed prior to June 15, 1976, or which was not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall not be relocated to a mobile home park or individual lot in the **Town of Hermon** unless the **Code Enforcement Officer** certifies that the unit complies with safety standards contained in Rule 02-385, Department of Professional and Financial Regulation, Manufactured Housing Board.

4.16 MOBILE HOME PARKS

The following provisions shall apply to all development proposals for new construction of mobile home parks and to any expansion of existing mobile home parks.

4.16.1 PLAN

A. An approved mobile home park plan shall be necessary under the Site Plan review provisions of this **Land Use Ordinance**, prior to the establishment or expansion of a mobile home park.

B. An approved mobile home park plan shall not exempt an applicant from meeting other applicable local, state, or federal requirements.

C. Mobile home park construction shall be completed within forty-eight (48) months from the approval date of the plan. If construction is incomplete after forty-eight (48) months and the mobile home park operator desires to continue construction, the applicant must re-submit a plan for **Planning Board** approval.

4.16.2 GENERAL

A. A mobile home park shall consist of a single parcel of land.

B. At least three (3) mobile home lots shall be established and provided with utilities before mobile home park occupancy is allowed.

4.16.3 ACCESS

A mobile home park shall have safe and convenient vehicular access to and from public streets.

4.16.4 LOT SIZE

A. Notwithstanding other requirements of this Ordinance, lots shall meet the following requirements:

	Minimum Lot Size - Sq. ft.	Minimum Frontage - Feet
Lots served by public sewer	6,500	50
Lots served by individual subsurface wastewater disposal systems	20,000	100
Lots served by one (1) or more centralized subsurface waste disposal systems serving two (2) or more dwelling units and approved by the Maine Department of Human Services	12,000	75

B. Shoreland Area. Mobile home park lots located within any designated shoreland area shall meet the lot area, lot width, and shore frontage requirements of the district in which it is located.

4.16.5 OVERALL DENSITY

The overall density of any park served by any on-site wastewater disposal system shall not exceed one (1) dwelling unit for each twenty thousand (20,000) square feet of total park area.

The total area of a mobile home park shall not be less than the sum of the following:

- A. the combined area of the mobile home park lots which shall each meet the minimum lot requirements,
- B. the area required for road rights-of-way,
- C. the area required for buffer strips,
- D. for parks served by public sewer, a minimum of open space area equal to ten (10) percent of the combined area of the lots, and
- E. the area within the shoreland setback.

4.16.6 SETBACKS

A. Minimum setback distances for structures shall be as follows:

Location	Setback
Street Right of Way	25 feet (7.62 meters)
Side Lot Line	10 feet (3.05 meters)
Rear Lot Line	10 feet (3.05 meters)

B. Structures shall be setback a minimum of forty (40) feet (14.02 meters) from mobile home park boundary lines.

4.16.7 PLACEMENT OF UNITS ON LOTS

A. Mobile Home Lots. All mobile homes shall be placed upon mobile home park lots. The bounds of each lot shall be clearly marked with permanent corner pins for each lot, and the lot shall be well surfaced or seeded to provide adequate drainage beneath and adjacent to any manufactured housing units parked thereon.

B. Mobile Home Pad. Each mobile home shall be set upon a mobile home pad consisting of at least a twelve (12) inch (30.48 centimeters) thickness of gravel base material. Concrete or other durable pads approved by the **Planning Board** may be used. The width and length of the mobile home pad shall conform with those dimensions of the mobile home placed upon it.

C. Skirting. The vertical space from the mobile home pad to the mobile home frame shall be enclosed with a durable material, installed in a neat workmanship like manner within thirty (30) days after the mobile home is set in place. The material requires approval of the Mobile Home Park Operator and the **Code Enforcement Officer** of the **Town of Hermon**.

D. Utility Building. Each occupied home lot shall be provided with a utility building within thirty (30) days after the mobile home is set in place. The minimum size of the utility building shall be eight (8) feet (2.44 meters) square. The utility building shall be stable and attractive. This utility building requires the approval of the Mobile Home Park Operator and the **Code Enforcement Officer** of the **Town of Hermon**.

E. Refuse. Each occupied mobile home lot shall have access to a water-tight, insect-proof and animal-proof enclosure for storage of refuse. Unless otherwise provided in Subsection 1) below, this refuse storage enclosure shall be a separate structure from the utility building designed in 4.16.8.D. The responsibility of providing the refuse storage enclosure shall be that

of the Mobile Home Park Operator prior to the installation of a mobile home.

1) A single structure, if built by the operator of the mobile home park, shall satisfy the requirements of this section, provided it is of sufficient size and design to meet the purposes of those provisions.

2) The refuse storage enclosure required herein, unless it is combined with the utility building as provided in Section 4.16.8.D., need not be on the same lot as the mobile home.

F. Grading and Drainage. Every lot used in a mobile home park shall be properly graded and drained for disposal of surface and storm water.

4.16.8 LANDSCAPING

A. Mobile home pads shall be oriented in regard to natural features where practical.

B. Wooded areas and individual trees shall be preserved where practical.

C. Vegetative cover such as grass shall be provided for land area not paved, graveled, or occupied by a structure.

D. Other planting shall be established to create an attractive setting for mobile homes, promote privacy, minimize glare, and provide shade.

4.16.9 GROUND WATER

A. Impact Assessment. All mobile home parks utilizing on-site waste water disposal systems shall provide an assessment of the impacts of the park's development on ground water quality. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer skilled in ground water assessment and shall include the following:

1) A map showing the basic soil types.

2) The depth to the water table at representative points throughout the mobile home park.

3) Current drainage patterns and conditions throughout the proposed mobile home park.

4) Proposed drainage patterns and conditions throughout the mobile home park after development.

5) Data on the existing ground water quality, either from test wells on-site or from existing wells on abutting properties. [The need for

test wells on-site shall be determined by the **Planning Board** prior to acceptance of the Preliminary Plan.]

6) An analysis and evaluation of the effect of the proposed mobile home park on available ground water resources. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrite-nitrogen concentrations at all wells within the mobile home park, at the mobile home park boundaries and at a distance of one thousand (1000) feet from potential contamination sources. For mobile home parks within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

7) In addition, a map shall be provided showing the location of any subsurface waste water disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

B. Standards

1) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

2) No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards.

3) No mobile home park may be approved for which the ground water assessment plan shows the potential for an increase of any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

4) All mobile home parks which utilize on-site ground water supplies for all or part of the domestic portable water supply shall be provided demonstrable evidence of satisfactory treatment of the ground water if:

a) The ground water contains contaminants in excess of the primary standards; or,

b) The ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed the ambient concentration.

C. Subsurface Waste Disposal and Wells. Subsurface waste water disposal systems and drinking wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a condition of approval upon the Final Plan.

4.16.10 STREET ILLUMINATION

- A. Streets shall be illuminated with a minimum illumination level of 0.1 foot candle per square foot.
- B. Street intersections shall be illuminated.

4.16.11 MOBILE HOME PARK ROADS

A. Roads for Public Acceptance. Mobile Home Park Roads which the developer intends to offer to the municipality for acceptance as town ways shall be constructed to the standard found in the Subdivision Ordinance using the specifications for "residential streets" excepting through streets which join public roads, which shall be constructed to "commercial/industrial street" specifications.

B. Private Roads. Mobile Home Park roads which the developer intends to retain in private ownership shall be designed in accordance with accepted engineering standards by a licensed professional engineer and stamped with a professional engineer's seal in accordance with the requirements of the Manufactured Housing Board, and shall be constructed to the standards in Table 4.16-1.

TABLE 4.16.1

MOBILE HOME PARK PRIVATE ROAD STANDARDS

Minimum Right-of-way width.....	23 feet
Minimum Pavement width	20 feet
Minimum sidewalk width, if installed	5 feet
Minimum Grade	0.5 %
Max Grade within 100' of the intersection of a public way measured from the center line of the public way	1.0 %
Max Grade	8.0 %
Min. Center line radius	100 feet
Min. tangent between curves of reverse radius	50 feet
Roadway crown, minimum	1/8" per foot
Roadway crown, maximum	1/2" per foot
Min. angle of street intersections	75 degrees
Min. curb radii at street intersections	20 feet
Min. Right-of-way radii at intersections	10 feet
Min. width of shoulders w/out sidewalks (each side)	3 feet

Cul-de-sac & Turn around radii:

- a. Property Line..... 65 feet
- b. Outer edge of pavement50 feet
- c. Inner edge of pavement.....30 feet
- d. Other Standards for Cul-de-Sacs are found in the Subdivision Ordinance.

C. Off-Street Parking. At least two off-street parking spaces shall be provided for each mobile home lot at a distance less than one hundred (100) feet (30.48 meters) from the mobile home it serves. Off-street parking spaces shall be constructed with a minimum thickness of six (6) inches (15.24 centimeters) gravel base material. Such parking space shall have a minimum dimension of ten (10) feet width by twenty (20) feet length.

D. Street Maintenance. Streets within the mobile park not to be offered to the **Town of Hermon** for acceptance as town ways shall be constructed, maintained, and serviced by the Mobile Home Park Operator.

4.16.12 BUFFER STRIPS

A. Continuous Buffer Strip. A continuous landscaped buffer strip at least 25 feet wide shall be provided along any Mobile Home Park boundary abutting a residential zone where the density in the Mobile Home Park is at least 2 times greater than the allowable density allowed in the adjacent residential zone. This landscaped strip shall contain evergreen shrubs, trees, fences, walls, or any combination of the above which forms an effective, year-round visual barrier from abutting properties.

4.16.13 CONVERSION OF PARK

No lot in a Mobile Home Park may be sold or otherwise conveyed without prior written approval of the **Planning Board**. Any such lot sold or conveyed shall meet the lot size requirements of the district in which it is located.

4.16.14 UTILITIES

A. Water Supply

- 1) Each mobile home shall be provided with an adequate, safe, potable water supply.
- 2) The water supply shall provide a minimum of one hundred and fifty (150) gallons (568.1 liters) of water per day per mobile home.
- 3) Water supply systems shall be installed and maintained in accordance with the State of Maine Plumbing Code, 10-144A CMR 238 and all revisions thereof.

B. Sanitary Sewage System

- 1) Sanitary sewer systems shall comply with the State of Maine Plumbing Code, 10-144A CMR 241 Subsurface Waste water Disposal Rules and all revisions thereof.
- 2) Where public sewer is not available, a sanitary sewer system and treatment facility shall be designed and installed under supervision of an Engineer registered in the State of Maine.
- 3) A mobile home park located within fifteen hundred (1500) feet (457.2 meters) of a public sewer system shall provide an internal sewer system connected into the public system. The internal sewer system shall be designed and installed under the direction of an Engineer registered in the State of Maine.
- 4) Septic systems for individual lots are permitted. Privies shall not be permitted in a mobile home park.
- 5) The sanitary sewer system within the Mobile home park shall be constructed and maintained under the responsibility of the mobile home park management.
- 6) A portion of a sanitary sewer system located outside a mobile home park and not maintained by a public utility shall require maintenance under the responsibility of the mobile home park management.

C. Electric Supply

- 1) A mobile home park shall contain an electrical system designed, installed, and maintained in accordance with the National Fire Protection Association's NFIPA-70-1990 National Electric Code and applicable State of Maine and Local Regulations.
- 2) The electrical system shall be designed and installed under the supervision of an Electrical Engineer registered in the State of Maine.
- 3) Electrical distribution lines within the Mobile Home Park may be installed overhead or underground. All underground lines shall be protected by a rigid conduit or encased in concrete.

D. Refuse

- 1) Storage of refuse shall be accomplished in such manner to minimize health hazards, rodent harborage, insect breeding areas, accidents, wild

fire, obnoxious odors, or air pollution. Refuse shall be in such a manner that domestic or wild animals may not gain access to waste material.

2) Collection of refuse shall be conducted at regular intervals and shall be performed in a neat workmanship manner. Collection and disposal of refuse shall be the responsibility of the Mobile Home Park Operator and shall be accomplished according to State of Maine and Local Regulations.

4.16.15 FIRE PROTECTION

A. A Mobile Home Park located within two thousand (2000) feet of an adequate public water supply system shall provide an internal fire protection water supply system connected to the public system. The internal fire protection water system shall be designed and installed under direction of an Engineer registered in the State of Maine. Mobile Home Parks beyond 2000 feet from a public water supply or firepond shall install a firepond which meets the requirements of the Hermon Fire Chief.

4.16.16 EXTERIOR LIGHTING

Exterior lighting installed on a mobile home or mobile home lot shall be installed such that it is not directed toward surrounding property, street, or other mobile home lots.

4.16.17 SIGNS

A. A sign identifying a Mobile Home Park shall not be flashing, revolving, or neon type.

B. A sign used to identify a mobile home park shall have a surface area not in excess of thirty six (36) square feet.

C. A sign relating the sale, rental, or lease of a Mobile Home Park shall not exceed a surface area of eight (8) square feet (0.74 square meters).

D. A sign relating the sale, rental, or lease of a mobile home lot shall not exceed a surface area of three (3) square feet (0.28 square meters).

E. More than two (2) signs upon each mobile home lot is prohibited. For clarification of these regulations, one sign is considered to be a message conveyed upon one surface.

F. A name sign upon a mobile home or mobile home lot is permitted provided the sign surface area is not larger than two (2) square feet (0.19 meters).

4.16.18 LOT IDENTIFICATION

A. Each Mobile Home lot shall have a number applied by the operator of the Mobile Home Park, and the lots shall be numbered in an orderly consecutive fashion. Even numbers shall be on one side of a street and odd numbers shall be on the opposite side of a street.

B. Each mobile home shall be numbered in a manner consistent with the number assigned to the lot.

C. The mobile home lot number shall be prominently displayed upon the mobile home on a surface facing the street. Mobile home lot numbers shall be uniformly located on each mobile home if possible.

4.16.19 RECREATIONAL AREAS

A. Not less than 10 percent of the gross site area shall be devoted to recreational facilities, with no single recreation area being less than 10,000 square feet. Such areas shall be located in one or more convenient, central location(s) with easy and safe access for all park residents.

4.16.20 MISCELLANEOUS

A. General Requirements

1) A mobile home park shall conform to these regulations and to the "State of Maine RULES AND REGULATIONS OF THE PROFESSIONAL AND FINANCIAL REGULATION, MANUFACTURED HOUSING BOARD TO MOBILE HOMES".

2) The mobile home park operator shall inform occupants of these regulations and indicate the responsibilities of the occupants under regulations.

3) Mobile home park management shall maintain a register containing names and lot numbers of mobile home park occupants. The register shall be available for inspection by Federal, State, and local authorities upon request during normal business hours.

4) Mobile home park management shall be responsible for connection of utilities for set up of a mobile home.

5) A permit is required prior to mobile home installation in a mobile home park.

6) A mobile home shall not be removed from a lot until a written certificate is obtained from the tax collector of the **Town of Hermon**, identifying the mobile home and stating that all property taxes applicable to the mobile home, including those for the

current tax year, have been paid or that the mobile home is exempt from such taxation.

B. General Prohibitions

1) Mobile home parks and emergency mobile home parks are not allowed within the Shoreland District; such parks are allowed only in those districts where specific provision is made for them in the "Zoning Ordinance of the **Town of Hermon**, Maine".

2) Emergency mobile home parks shall not be converted into permanent mobile home parks unless provisions of these regulations are met.

3) Mobile homes and accessory structures shall not be established upon a mobile home lot without a building permit as specified in the "Building Code of the **Town of Hermon**, Maine".

4) Ruins caused by fire or other causes are not allowed within a mobile home park. If ruins are created, such ruins shall be removed within sixty (60) consecutive calendar days from the time of their creation.

5) Fuel tanks and bottled gas shall not be placed such that they face a street or road.

4.17 OFF-STREET PARKING AND LOADING REQUIREMENTS

4.17.1 REQUIRED PARKING SPACES

No land use shall be commenced or enlarged, and no building or structure shall be constructed or enlarged, unless adequate off – street parking is provided within three hundred (300) feet of the principal building or structure, or use of the premises in accordance with the schedule for parking requirements in Subsection 4.16.2. All parking areas shall have a minimum parking space size of 9’ x 18’ and shall have a minimum of a 24’ corridor width for access maneuvering. No off-street parking facility shall have more than two (2) entrances and exits on the same street, and no entrance or exit shall exceed thirty (30) feet in width. Parking area with more than two (2) parking spaces shall be so arranged that vehicles can maneuver within such areas and exit on to the street in a forward motion.

4.17.2 SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS:

Use	Parking Space Required
Dwelling.....	Two spaces per dwelling unit.
Motel, Hotel, Lodging.....	One space per each sleeping room.

- House, Overnight Cabin..... One space per each sleeping room.
- Hospital, Nursing Home, or..... One space for every three beds.
other institution devoted to board,
care and treatment of people.
- Clubs..... One space for every four members.
- Church..... One space for every three seats of assembly.
- Restaurants, theaters..... One space for every three seats
and places of public of patron use, amusement.
- Retail, wholesale..... One space for every three hundred
service establishments
and fifty square feet of floor area.
or professional offices or
Buildings and Community Service
Organizations (Amended 12/01/93).
- Manufacturing and other..... One space for each person
industrial uses, laboratories,
and administrative buildings.
employed at largest shift.

Off-street parking spaces shall be provided for all other uses, including but not limited to, automotive service stations, drive-in establishments, and open-air businesses, such that traffic congestion and hazards are avoided.

4.17.3 NON-RESIDENTIAL PARKING

In any district, where permitted, commercial, agricultural, or industrial uses shall provide off-street loading facilities located entirely on the same lot as the structure, building or use to be served so that trucks, trailers and containers shall not be located for loading, unloading, or storage upon any public way.

4.18 A – PLANNED UNIT DEVELOPMENT

4.18.1 GENERAL

Planned Unit Development (PUD) is a means of residential land development which sets aside traditional, present land use controls in favor of administrative discretion in the Planning Board. It permits a mixture of land uses, residential, commercial, institutional,

and recreational. The creativity in design including the ~~clustering and~~ mixing of the land use types; and finally, the provision for open space. The tract of land is developed according to a plan agreed upon by the developer and the Planning Board.

4.18.2 PURPOSE:

The purpose of a (PUD) shall be to encourage a development which will result in:

- a. Encouraging a choice in the type of environment and living units to the public and quality in both nonresidential and residential land uses so that development will be a permanent and long-term asset to the Town
- b. Provide open space and recreation areas
- c. Permit more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply sloped areas, and areas of unusual beauty or importance to the natural ecosystem.
- d. Allow an efficient use of land resulting in smaller network of utilities and streets
- e. Encourage an environment in harmony with surrounding development
- f. The proposed development shall be found to be generally consistent with the comprehensive plan for the Town of Hermon

4.18.3 GENERAL REQUIREMENTS

- a. The applicant shall either own or have an option on the property in question and shall provide documentation of such
- b. The Planned Unit Development shall meet all the requirements of a residential subdivision other than those changes listed within this article.
Minimum lot size shall be 10 acres with 30% open space. NOTE: No more than 50% of the required 30% open space shall be wetlands. (open space shall be defined in Article 9, Section 9.6.17)
- c. The proposed PUD shall be designed by a Professional Engineer or Architect
- d. The development shall comply with all State standards and requirements regarding water supply and sewerage disposal systems. Such systems may be an extension of an existing system owned and operated by the Town of Hermon /City of Bangor or may be a separate and autonomous system built by the developer and servicing the development. All engineered sewerage systems must be designed by and bear the seal of a Maine Registered Professional Engineer.
- e. The maximum allowed residential density shall be six (6) units per buildable acre
- f. If the proposed units within the PUD exceed the net residential density of the district a geologist assessment shall be prepared to verify that there is ample water to service the PUD.
- g. All open space common land, facilities and property shall be owned by:
 - 1) The owners of the lots or dwelling units by means of a lot owner's association;
 - 2) An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition

- h. The frontage shall be that required in the applicable district for each 10 acre development. When the proposed area lies within a split district the required frontage shall be determined by the portion of the lot which has frontage on a Town or State approved road.
- i. Streets within the development shall be built to the standards set forth in Article 9, Section 9.7.4 or if to remain a private way then street shall be built to the standards set forth in Article 4, Section 4.26.4 and shall be paved.
- j. Each dwelling unit shall provide at least a minimum of 1000 sq. ft. of living space, and shall be comprised of at least a kitchen area, living room, 2 bedrooms, and 1.5 baths

STANDARDS –

The Planned Unit Development shall comply with the following standards:

A PUD may include any use permitted in the district in which it is being built. In addition, the Planning Board may allow multifamily dwellings and, to the extent that they are designed and intended primarily to serve the residents of the PUD, recreational, commercial and institutional uses may also be allowed.

- a. The exterior side and rear yard setbacks shall be at least double those shown in Article 3, Section 3.8 for the applicable district.
- b. The following site designs shall govern:
 - 1. All buildings shall be designed with regards to the topography and natural features of the site
 - 2. All housing shall be sited so as to enhance privacy and insure natural light for principal rooms
 - 3. A buffer strip of vegetative plantings must be provided to the exterior side and rear lot lines of the proposed PUD. The landscaped strip shall contain evergreen shrubs, trees, fences, or any combination of the above which forms an effective, year-round visual barrier from the abutting properties and shall be shown on the plan.
 - 4. The development shall be designed and programmed so as to minimize earth moving activity, erosion, tree clearance, and destruction of natural amenities. Existing trees shall be preserved wherever possible
 - 5. The primary power lines may be underground or overhead, the secondary power lines shall be underground.
 - 6. In a residential PUD 2.5 parking spaces shall be provided for each dwelling unit, all other uses shall comply to Article 4, Section 4.17

FUTURE RESIDENTIAL DEVELOPMENT

After approval of a proposed PUD there shall be no further residential units allowed on the lot or lots containing the PUD

TERMINATION

The PUD approval shall automatically expire two years from the date of the final approval if the applicant has not commenced substantial construction and is not

proceeding to completion. Upon written request stating reasons therefore, the PB may extend the approval for 1 more year.

PERFORMANCE GUARANTEE

Before approval by the Planning Board of the PUD, the developer shall file with the Town of Hermon a performance guarantee in the form of a performance bond. The amount of said guarantee shall be determined by the Planning Board per utility installation and right-of-way construction

4.18.B MULTI-FAMILY DEVELOPMENTS

STANDARDS –

The Multi-family Development shall comply with the following standards:
See Article 3, Section 3.7.5 for District in which multi-family units are allowed.
Also see #13 of the Notes to Schedule of Uses for required lot size in Multi-family developments.

- a. The exterior side and rear yard setbacks shall be at least double those shown in Article 3, Section 3.8 for the applicable district.
- b. The following site designs shall govern:
 1. All buildings shall be designed with regards to the topography and natural features of the site
 2. All housing shall be sited so as to enhance privacy and insure natural light for principal rooms
 3. A buffer strip of vegetative plantings must be provided to the exterior side and rear lot lines of the proposed development. The landscaped strip shall contain evergreen shrubs, trees, fences, or any combination of the above which forms an effective, year-round visual barrier from the abutting properties and shall be shown on the plan.
 4. The development shall be designed and programmed so as to minimize earth moving activity, erosion, tree clearance, and destruction of natural amenities. Existing trees shall be preserved wherever possible
 5. The primary power lines may be underground or overhead, the secondary power lines shall be underground.
 6. In a Multi-family Development 2.5 parking spaces shall be provided for each dwelling unit.
 7. The Fire Chief must review all plans for a Multi-family Development to determine if a Fire Pond is needed within the development. Any fire pond built must meet the requirements set forth by the Hermon Fire Chief.
 8. See Article 8 Site Plan Review for other requirements

4.19 PROHIBITED USES

Prohibited in all districts in the **Town of Hermon** are occupied utility trailers, billboards, uses and structures prohibited by Federal, State or Municipal law, and all uses or structures which unreasonably endanger health, welfare, safety or cause environmental

deterioration such as deposit sites for nuclear waste materials or other dangerous sources of radioactivity.

4.20 PROPOSED STREETS

After a line of a future street is placed on the Official Map of the **Town of Hermon**, buildings and structures shall be set back from such line as though it were a right of way line.

4.21 SEPTAGE STANDARDS

Septage Storage Facility, Septage Handling Facility, and Agricultural Landspreading of Septage:

4.21.1 HANDLING FACILITIES

All septage storage and handling facilities shall be designed and operated in conformance with the State of Maine Septage Management Rules; Department of Environmental Protection Regulations, Chapter 420 (06-096 CMR 420).

4.21.2 SETBACKS

The following are minimum setback distances (bufferstrips) governing the siting of septage storage facilities and septage handling facilities, as well as the Agricultural Landspreading of Septage. Additional standards apply if the operation of a septage storage facility or a septage handling facility is accessory to a Residence-Based Service Business (**see Section 4.13.5**).

TYPE OF FEATURE	MINIMUM SETBACK DISTANCE	SEE NOTE BELOW
Public Wells	500 feet	3
Private Wells	300 feet	
Property line of adjacent land	100 feet	1,3
Bedrock outcrops	25 feet	
Dwellings or other occupied structures	300 feet	2
Uninhabited & unoccupied buildings or structures	100 feet	3
Perennial waterbodies & water courses	300 feet	
Swales and man-made drainage ditches	25 feet	
Primary & secondary roads	100 feet	1,3
Unimproved dirt & tote roads	25 feet	1

NOTES:

1. 300 foot setback required for spray irrigation areas.
2. 1000 foot setback required for storage lagoons and spray irrigation areas.

3. These setback distances do not apply to the landspreading of septage from an owners dwelling system pursuant to 38 MRSA Section 1303-C (40) and 1306 (2); instead, landspreading of septage must occur 300 feet or more from the site features identified above. No landspreading by a Commercial Operator for the owner is allowed.

4.21.3 AGRICULTURAL LANDSPREADING

Agricultural landspreading of pre-treated septage may be allowed **under Site Plan Review procedures** on any parcel or land on which general agriculture uses are authorized as either a permitted use or Site Plan Review, provided the area proposed for spreading is setback in accordance with the distances specified in **Section 4.21.3 above.**

A. Required Statement. The owner of the property shall furnish the **Planning Board** with an attested, sworn statement that no crops for direct human consumption will be harvested from the agricultural landspreading site(s) for a period of at least eighteen (18) months from the last date of application of pre-treated septage to the site.

B. Septage Rules. All agricultural landspreading of pretreated septage shall be in full conformance with the Septage Management Rules cited above, as may be amended or superseded, except that full pre-treatment of septage shall occur before application, using lime in a quantity sufficient to produce a pH of 12 after 2 hours of contact. Such pre-treatment must occur within 24 hours prior to application of the septage to land. When, due to weather or ground or other conditions, the pre-treated septage can not be applied within 24 hours, re-treatment with lime in a quantity sufficient to produce a pH of 12 after 30 minutes of contact shall be required. Pre-treatment is required regardless of the type of crop or intended consumer.

4.21.4 ENFORCEMENT

The **Code Enforcement Officer** shall be responsible for enforcing the terms and conditions of any permit issued by the **Planning Board** or Zoning Board of Appeals under this subsection and is expressly authorized pursuant to Title 30-A MRSA Section 4452 (6), to enforce the terms and conditions of a septage land disposal or storage site permit issued by the Department of Environmental Protection. The **Code Enforcement Officer** shall inspect every septage land disposal site and storage site at least every six (6) months. A copy of any written report produced in conjunction with the inspection shall be provided to the permittee within 30 days of preparation of the inspection report.

4.21.5 AVAILABILITY OF RECORDS

The permittee of a storage facility, handling facility or an agricultural landspreading site shall make available, upon written request from the **Code Enforcement Officer**, copies of all soil test results, annual inspections and

reports, water quality monitoring reports, annual septage volume reports and other submissions required by the Septage Management Rules (and Conditions of Approval of facilities subject to the Site Location of Development Law).

4.22 STRUCTURES

4.22.1 ACCESSORY STRUCTURES

A. A residential garage or other accessory structure or building shall be set back from the right of way line the same distance as required for principal structures in the applicable district.

B. When the accessory structure or building is located to the side or rear of the principal structure, such accessory structure or building shall be at least twenty (20) feet from the respective side or rear lot line.

C. Accessory structures shall not be included in the calculation of ground coverage for a particular lot.

D. No structure shall be considered an accessory structure unless it is on the same lot as the principal structure to which it is accessory.

4.22.2 MOBILE HOME

Mobile homes not in a mobile home park shall comply with all provisions of the ordinance regulating dwellings, the regulations of the district in which it is located, all other applicable provisions of this ordinance, and the Mobile Home Regulations of the "Building Code of the **Town of Hermon, Maine**".

4.22.3 PRIVATE SWIMMING POOL

A private swimming pool shall be set back from the right of way line the same distance as required for the principal structure in the applicable district. Nor shall such swimming pool be located within twenty (20) feet of any side or rear lot line. Any non-conforming private swimming pool at the time of adoption of this Ordinance shall comply with the fencing requirements of this subsection within ninety (90) days of adoption.

4.22.4 TEMPORARY STRUCTURES

Temporary structures used in conjunction with construction work shall be permitted during that period when construction is in progress. Such temporary structures shall be promptly removed upon completion of construction. Temporary structures to be used for residential or dwelling purposes are expressly prohibited.

4.22.5 MEANS OF EGRESS DEVICES FOR HANDICAP ACCESS

Structural elements such as ramps, enclosures, balconies, devices and appliances such as wheelchair platform lifts and similar accommodations necessary for providing access to a means of egress to existing buildings for the handicapped are exempt from the setback requirements for structures provided the encroachment in the setback is the minimum necessary to meet the provisions for handicap access when required by Section 512.0 of the Building Code or State or Federal Law or Regulation.

4.23 WASTE CONTROL

All devices for the control of waste and sewerage shall comply with the State of Maine **Subsurface Wastewater Disposal Rules** and with the "Building Code of the **Town of Hermon, Maine.**"

4.24 WILDLIFE/NATURAL AREAS PRESERVATION

4.24.1 MITIGATION

Any project involving significant wildlife or fisheries habitat, as identified in the 1991 Comprehensive Plan, shall include mitigation measures aimed at minimizing the adverse impacts of development on these resources. Such mitigation shall include, as a minimum:

A. The clustering of the project to protect to the greatest extent the wildlife habitat pursuant to the standards of the Planned Unit Development ~~and Cluster Development Standards~~ of this Ordinance;

B. Setting back of any construction at least 100 feet from the upland edge of any wetland area over 20,000 contiguous square feet;

C. The setting back of any construction at least 100 feet from any stream or waterway;

D. Efforts to preserve the existing vegetation in such a manner that the only vegetation cut or removed shall be necessary for the actual construction involved. Specific vegetation to be retained and to be removed shall be indicated on the development plan;

E. Provisions to eliminate noise disturbance in the area. This shall include the construction of sound barrier fencing; the planting of additional vegetation such as trees, etc.

4.24.2 DEVELOPMENT PLAN

Mitigation measures shall be indicated clearly on the development plan prior to final approval.

4.25 REAR LOT DEVELOPMENT, SUBJECT TO THE FOLLOWING CONDITIONS: (AMENDED 1/23/03- EFFECTIVE DATE 2/23/03)

1. No rear lots or access strips to rear lots shall be allowed in subdivisions.
2. No rear lot shall have, as its point of access, a "T" turnaround.
3. Rear lots shall have, as a minimum lot area, twice the dimensional requirements of the zone in which it is located. Each rear lot shall have a continuous buildable area (non wetland or floodplain) equal to the minimum lot size for the zone in question; the principal structure must be located within that area
4. Rear lots shall be served by a 60' access strip (Private Way) with a minimum of a 20' traveled way with a minimum of 16" inches of gravel. The access strip (Private Way) may be either a permanent easement or may be owned fee simple. The area of the access strip (Private Way) shall not count towards the minimum required lot area.
5. The minimum frontage required shall be shown parallel to the Private Way
6. The applicant must demonstrate the suitability of the proposed rear lot for on-site sewage disposal.
7. No more than two rear lots shall share a single access way.
8. No rear lot shall be allowed to the rear of another rear lot.
9. Each rear lot shall have, as a buildable area, a rectangle with its minimum dimensions as follows: The minimum frontage allowed in the zone by twice the minimum frontage allowed in the zone. The principal structure shall be located within that area.
9. Minimum setbacks allowed in the rear lot development are 40' from the line parallel to the Private Way, 80' from the abutters rear lot line, 40' from the remaining lot lines.
10. The maintenance of the access strip (Private Way) shall be the responsibility of the developer or owner and not the Town . An agreement to that effect shall be stated in the deed recorded at the Penobscot Registry of Deeds.
11. All access strips (Private Way) leading to rear lots under the provisions of this Ordinance shall connect to public roads.
12. The **Code Enforcement Officer** shall approve all rear lots, using the above criteria.

4.26 COMMUNICATIONS FACILITIES

1. New or expanded communications facilities shall be setback 105% of its height from all property lines and setback 500 feet from any public road right of way. In the Industrial Zone, the setback will be reduced to 105% of its height from all property lines. All setbacks shall be measured from the base of the

communications tower associated with the facility to the property lines and road right of way lines.

Exception: Guy Anchors, guy wires, and structures other than towers and antennas associated with the facility must only meet the setbacks listed in section 3.8 of this ordinance.

2. Height Limits:
Agriculture and Forestry Zone
Self-Supporting and Guyed Towers = 199'

Commercial and Industrial Zones
Self-supporting and Guyed Towers = 500'
3. A new communications facility must provide evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and had been denied access.
4. A new communications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
5. A new communications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down directional to retain light within the boundaries of the site.
6. A new communications facility must be fenced to discourage trespass on the Facility and to discourage climbing on any structure by trespassers.
7. A new communications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
8. The proposed communications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency.

In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the **Planning Board** shall consider the following factors:

- A. the extent to which the proposed communications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource;
- B. the type, number, height, and proximity of existing structures and features, and

- C. background features within the same line of sight as the proposed facility;
- D. the extent to which the proposed communications facility would be visible from the viewpoint(s)
- E. the amount of vegetative screening;
- F. the distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and
- G. the presence of reasonable alternatives that allow the facility to function consistently with its purpose.
- H. Abandonment
 - 1. A communications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.
If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation. If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the **Planning Board** for release of the surety when the facility and related equipment are removed to the satisfaction of the **Planning Board**.