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LAND USE ORDINANCE

FOR THE TOWN OF BREMEN, MAINE

Enacted: **July 20, 2017**

Certified by: Susan M. Anneley
Susan M. Anneley
Town Clerk

LAND USE ORDINANCE OF THE TOWN OF BREMEN, MAINE

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SECTION I: GENERAL PROVISIONS

1.1. TITLE

This Ordinance shall be known as and may be cited as the "Land Use Ordinance of the Town of Bremen, Maine," and may be referred to herein as the "Ordinance."

1.2. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution and 30-A M.R.S.A., Section 4352 and 38 M.R.S.A., Section 435 et seq.

1.3. PURPOSES

The purposes of the Ordinance are as follows:

1. COMPREHENSIVE PLAN IMPLEMENTATION: To implement the policies and recommendations of the Bremen Comprehensive Plan (comprehensive plan).

2. PROTECTION OF THE GENERAL WELFARE: To assure the comfort, convenience, safety, health and welfare of the present and future inhabitants of the Town of Bremen (Town).

3. PRESERVATION OF THE TOWN CHARACTER: To preserve and protect the character of the Town, the use of land and buildings, and the intensity of such uses.

4. PROTECTION OF THE ENVIRONMENT: To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment.

5. PROMOTION OF COMMUNITY DEVELOPMENT: To promote the development of an economically sound and stable community.

6. PROMOTION OF TRAFFIC SAFETY: To lessen the danger from traffic on roads and highways; limit excessive numbers of intersections, driveways, and other friction points; and minimize hazards to the safe and uninterrupted movement of vehicles on public roads.

7. BALANCING OF PROPERTY RIGHTS: To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance from abutting or neighboring uses.

8. REDUCTION OF FISCAL IMPACT: To provide a means of evaluating development proposals to determine their fiscal impact on the municipality's ability to provide and improve necessary public facilities and services.

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9. ESTABLISHMENT OF PROCEDURES/STANDARDS: To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance.

1.4. APPLICABILITY

This Ordinance shall apply to all land areas within the Town. All buildings or structures constructed, reconstructed, enlarged, demolished or otherwise removed, and/or moved, including buildings undergoing alteration, and, the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this and other applicable Town ordinances in effect on the date of that action. No existing or future building, structure, or land area shall be used for any purpose or in any manner except as provided in the applicable ordinance.

1.5. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the most restrictive or higher standards shall govern.

1.6. ABROGATION OF OTHER ORDINANCES

This Ordinance repeals and replaces the following previously enacted ordinances:

1. Minimum Lot Size Ordinance, enacted on March 24, 1984, and as amended.
2. Building Permit Ordinance, enacted on March 16, 1989, and as amended.
3. Commercial and Industrial Site Plan Review Ordinance, enacted on March 1, 2001, and as amended.
4. Land Use Ordinance, enacted on May 7, 2024.

The repeal and replacement of these ordinances shall not prevent their enforcement with respect to the time periods in which they were in effect. It should be noted that there are several other Town ordinances in addition to this Ordinance that could apply to a given project. Compliance with the provisions of this Ordinance does not eliminate the need for an owner to comply with all other applicable Town ordinances.

1.7. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

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1.8. AMENDMENTS

1. INITIATION: An amendment to this Ordinance may be initiated by one of the following:
    - Request of the majority of the Planning Board to the Board of Selectmen (Selectmen).
    - Request of the Selectmen to the Planning Board.
    - Written petition of ten (10) percent of the number of registered voters who voted in the most recent gubernatorial election.

2. HEARINGS: All proposed amendments shall be referred to the Planning Board for its recommendation. The Planning Board shall hold a public hearing on any proposed amendment. Within forty-five (45) days of the public hearing, the Planning Board shall make a written recommendation to the Selectmen.

3. SUBMITTAL TO TOWN MEETING: After receiving the recommendations of the Planning Board, the Selectmen may submit the amendment for adoption at a Town Meeting.

1.9. ANNUAL ADMINISTRATIVE REVIEW

The Code Enforcement Officer (CEO), Planning Board, and Board of Appeals each shall report annually to the Selectmen on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Selectmen shall include any recommended amendments they may have that would:

1. Enhance their ability to meet more effectively their respective administrative responsibilities under this Ordinance.

2. Enhance the implementation of the purposes of this Ordinance contained in subsection 1.3.

1.10. EFFECTIVE DATE

The effective date of this Ordinance, when adopted, and any amendments thereto, shall be effective immediately following its/their adoption or approval at a Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be filed with the Town Clerk and the Lincoln County Registry of Deeds.

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SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

2.1. BURDEN OF PROOF

The burden of establishing that any non-conforming structure, use, or lot is a lawfully existing non-conforming structure, use or lot as defined in this Ordinance, shall, in all instances, be upon the owner of such non-conforming structure, use, or lot and not upon the Town. In all cases, ownership shall be evidenced by a copy of the deed as registered in the Lincoln County Registry of Deeds, or for leased parcels by a copy of the Town Tax Maps.

2.2. CONVERSION TO CONFORMANCE ENCOURAGEMENT

Owners of all existing non-conforming structures and uses are encouraged to convert such existing non-conforming structures and uses to conformance whenever possible.

2.3. CONTINUANCE

The lawful use of any building, structure, or parcels of land that is made non-conforming by reason of the enactment of this Ordinance or a previous ordinance, or that shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

1. EXISTING NON-CONFORMING STRUCTURES: Continuance of non-conforming structures shall be subject to the following provisions:

    a. A structure may not be enlarged or altered in any way that increases its non-conformity.

    b. Should any structure, exclusive of the foundation, be destroyed, or damaged by any means, exclusive of planned demolition, said structure may be rebuilt on the existing foundation/footprint to the exact footprint and height of the structure that was destroyed, provided rebuilding is begun within one year and a permit is issued by the CEO.

    c. A non-conforming structure may be moved within its lot in a manner that would decrease its non-conformity in terms of setback requirements, provided that a review of an application by the reviewing authority finds that the change in location would not substantially violate any provision of this Ordinance in regards to: protected resources, location and character, traffic and access, signs and lighting and potential nuisance. A permit issued by the CEO is required.

2. EXISTING NON-CONFORMING USE OF STRUCTURES OR LAND: Continuance of non-conforming use of structures or land shall be subject to the following provisions:

    a. A structure devoted to a non-conforming use may not be enlarged or extended.

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b. A non-conforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of the adoption or amendment of the applicable ordinance, but no such uses shall be extended to occupy any land outside such building.

c. A non-conforming use of a structure or premises may be changed to another non-conforming use provided that a review of an application by the reviewing authority finds that the proposed use is more consistent with the District's purpose than the existing non-conforming use and a permit has been issued by the CEO. At no time, shall a use be permitted that is less conforming. Once changed, it shall not revert back to the previous non-conforming use.

d. If a non-conforming use of a structure or premises is superseded by a permitted use, the non-conforming use may not thereafter be resumed.

e. If any such non-conforming use of a structure ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use, replacement or other alteration of such structure shall comply with all standards and permitting requirements specified by this Ordinance for the District in which such structure is located.

f. A structure housing an existing non-conforming use may be moved, within the lot, in a manner that would be a more appropriate location, provided that a review of an application by the reviewing authority finds that the change in location would not substantially violate any provision of this Ordinance in regards to: protected resources, location and character, traffic and access, signs and lighting and potential nuisance. A permit issued by the CEO is required.

3. CONSTRUCTION BEGUN PRIOR TO ORDINANCE: This Ordinance may not require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided the application has been subject to substantive review, or a permit that has been issued and upon which construction has been substantially commenced prior to the adoption or amendment of the Ordinance. Such construction shall start within sixty (60) days after the issuance of the permit.

2.4. NON-CONFORMING LOTS OF RECORD

A single parcel of land, the legal description of which or the dimensions of which are recorded on a document or map recorded in the Registry of Deeds on or before March 21, 1987 or in official Town records, that does not meet the lot area or width requirements or both**,** of the District in which it is located, may be built upon as an existing non-conforming lot of record even though such lot may be contiguous with any other lot in the same ownership, provided that all other provisions of this Ordinance are met.

2.5. TRANSFER OF OWNERSHIP

Ownership of land and structures that remain lawful but become non-conforming by the adoption or amendment of the Ordinance may be transferred and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

2.6. REPAIR AND MAINTENANCE

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

SECTION III: ESTABLISHMENT OF DISTRICT

3.1. DISTRICT ESTABLISHMENT

For the purposes of this Ordinance, the Town is one General District. Those areas within the Shoreland Zoning Districts are also regulated by the Shoreland Zoning Ordinance.

3.2. STANDARDS ESTABLISHING DISTRICT AND DISTRICT DESCRIPTION

1. GENERAL DISTRICT

   a. PURPOSE

   The purpose of the General District (District) is to accommodate existing limited commercial, industrial, institutional, home occupation, low impact business, residential, retail, rural, forestry, agricultural, service, and public land uses while providing for similar future development.

   b. AREAS INCLUDED

   The entire Town.

Note: Also see the Shoreland Zoning Ordinance for the schedule of uses, land use standards, administration and enforcement, and definitions that are applicable to areas within the Shoreland Zone.

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SECTION IV: SCHEDULE OF LAND USES

4.1. ACTIVITIES DESCRIPTION

Land Use Tables listing the uses prohibited, allowed without a permit, or allowed with a permit under this Ordinance are found in Section 4.6: Building Permit Requirements and Section 4.7: Schedule of Uses.

The various land uses contained in the tables are organized according to the following activity classifications:

Resource Management Activities
Residential Activities
Commercial and Institutional Activities
Industrial Activities
Transportation and Utilities Activities

4.2. SYMBOLS USED IN THE LAND USE TABLES

The following symbols contained in the Land Use Tables have the following meanings:

1. DISTRICT SYMBOL

SYMBOL	DESCRIPTION
G	General District

2. PERMIT SYMBOLS

SYMBOL	DESCRIPTION
N	Use prohibited.
Y	Use allowed without a permit, subject to all applicable standards, as found in this Ordinance.
CEO	Use allowed with a permit issued by the Code Enforcement Officer (CEO) subject to all applicable standards, as found in this Ordinance. Where CEO is indicated, the Code Enforcement Officer is the reviewing authority.
PB	Use allowed with an application to, review and approval by the Planning Board, followed by a permit issued by the Code Enforcement Officer subject to all applicable standards, as found in this Ordinance. Where PB is indicated, the Planning Board is the reviewing authority.
LPI	Use allowed with a permit issued by the Licensed Plumbing Inspector (LPI).
S	Use allowed in accordance with the same permitting procedures indicated for the associated uses listed in Section 4.7.

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4.3. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES

1. USES ALLOWED WITHOUT A PERMIT: Uses substantially similar to those allowed without a permit, but that are not listed in Section 4.7, may be allowed without a permit upon a written ruling by the CEO that such use is substantially similar to other use~~s~~ listed in Section 4.7.

2. USES REQUIRING A CEO PERMIT: Uses substantially similar to those requiring a CEO Permit, but that are not listed in Section 4.7, may be allowed with a permit issued by the CEO.

3. USES REQUIRING PLANNING BOARD REVIEW: Uses substantially similar to those requiring Planning Board review, but that are not listed in Section 4.7, may be allowed following review/approval by the Planning Board and issuance of a CEO Permit.

4. SUBSTANTIALLY SIMILAR: In determining whether a proposed use is substantially similar, the reviewing authority shall consider the requirements of this Ordinance and determine if that use can be appropriately regulated under the applicable requirements of uses listed in this Ordinance and does not raise issues that need further consideration by the Town.

4.4. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED

Uses substantially similar to any uses listed as a Prohibited Use in Section 4.7 shall be prohibited.

4.5 COMPLIANCE WITH PERFORMANCE STANDARDS REQUIREMENT

All allowed and permitted uses must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section V.

4.6. BUILDING PERMIT REQUIREMENTS

Notwithstanding the permitting requirements for various proposed use activities included in Section 4.7 below, new, relocated, expanded buildings or other structures, including mobile homes, or permanent buildings to be demolished or otherwise removed shall require a permit in accordance with Table 4.6.1. **See Section VI. of this Ordinance for regulations specific to Solar Energy Installations.**

4.6.1	BUILDING/STRUCTURE FOOTPRINT SIZE	G
1.	Temporary buildings/structures, other than Recreational Vehicles, up to 20,000 square feet that are located outside the Shoreland Zone	Y
2.	Permanent buildings/structures intended for residential use or structures accessory to a residential use that are located outside the Shoreland Zone, unless the structure falls within the definition of a STRUCTURE, EXEMPTED in Section 12.2	CEO
3.	Additions/alterations to permanent structures that fall within the definition of a STRUCTURE, EXPANDED in Section 12.2	CEO
4.	Permanent buildings/structures intended for commercial, institutional or industrial use, or uses accessory to such uses, that are up to 2,500 square feet and located outside the Shoreland Zone	CEO
5.	All buildings/structures located inside the Shoreland Zone, unless the structure falls within the definition of a STRUCTURE, EXEMPTED in Section 12.2 or the entire permitting process is specifically assigned to the CEO by the Shoreland Zoning Ordinance	PB
6.	Permanent buildings/structures intended for commercial, institutional or industrial use greater than 2,500 square feet up to 20,000 square feet located outside the Shoreland Zone	PB
7.	Any building/structure over 20,000 square feet	N
8.	Demolition or other removal of a permanent building, unless the building falls within the definition of a STRUCTURE, EXEMPTED in Section 12.2	CEO

4.7 SCHEDULE OF USES

New, relocated, or expanded uses of land that are located outside the Shoreland Zone, shall be subject to the following permit requirements. **See the Shoreland Zoning Ordinance for the schedule of uses allowed and permit requirements for development located within the Shoreland Zone**.

4.7.1.	RESOURCE MANAGEMENT ACTIVITIES	G
1.	Wildlife/fishery management practices	Y
2.	Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, or search and rescue operations	Y
3.	Surveying and other resource analysis	Y
4.	Mineral exploration to discover or verify the existence of mineral deposits including road building materials, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring, diggings, or other DEP accepted methods that create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition	Y

4.7.1.	RESOURCE MANAGEMENT ACTIVITIES	G
5.	Non-commercial uses for scientific, educational, or nature observation purposes that are not of a size or nature that would adversely affect the resources protected by the District in which it is located	Y
6.	Access entrances, and Accessory uses and structures that are essential for the exercise of uses listed above	S
7.	Use of sludge	N
8.	Land-Based Marine Activities	Y
9.	Forest Management Activities	Y
10.	Agricultural Management Activities	Y
4.7.2.	**RESIDENTIAL ACTIVITIES**	**G**
1.	Single-Family Dwelling	CEO
2.	Accessory Dwelling Unit	CEO
3.	Single-Family Mobile Home and Recreational Vehicle	CEO
4.	Two-Family Dwelling	PB
5.	Multi-Family Dwelling: 3 or more units, including apartments	PB
6.	Affordable Housing Development	PB
7.	Mobile Home Park	PB
8.	Nursing Home/Boarding Care	PB
9.	Home Occupation and related signage [Move to Commercial/Institutional]	Y
10.	Low Impact Business and related signage	Y
11.	Subsurface Sewage Disposal and Drilled Wells	LPI
12.	Access entrances, and Accessory uses and structures that are essential for the exercise of uses listed above	S

4.7.3.	COMMERCIAL AND INSTITUTIONAL ACTIVITIES	G
1.	Bank/Credit Union	PB
2.	Barber, Beauty Shop, unless a Home Occupation or Low Impact Business	PB
3.	Transient Accommodations (up to 4 guest rooms): Bed and Breakfast, Boarding House	Y
4.	Transient Accommodations (5 or more guest rooms), Boarding House, Motel, Hotel and Inn	PB
5.	Boarding Kennel/Veterinary Clinic	PB
6.	Campground	PB
7.	Cemeteries	CEO
8.	Places of Worship	PB
9.	Day Care Center	CEO
10.	Farm Stand	Y
11.	Fraternal Orders and Service Clubs	PB
12.	Fuel Oil Sales	PB
13.	Funeral Home	PB

4.7.3.	COMMERCIAL AND INSTITUTIONAL ACTIVITIES	G
14.	Government Facilities and Services	PB
15.	Commercial Greenhouse/Garden Nursery/Silo/Food Production or related permanent structure	PB
16.	Marina	PB
17.	Medical Clinic	PB
18.	Motor Vehicle: Repair/Service/Sales/Supplies	PB
19.	Professional Office/Complex up to 20,000 square feet in floor area	PB
20.	Professional Office/Complex larger than 20,000 square feet in floor area	N
21.	Recreation based facilities, e.g., Golf Course	PB
22.	Restaurant with Interior Seating, Exterior Seating, Take-Out	PB
23.	Retail Store up to 10,000 square feet in floor area	PB
24.	Retail Store larger than 10,000 square feet in floor area	N
25.	Schools: Public and Private	PB
26.	Signage: Commercial and Institutional	CEO
27.	Subsurface Sewage Disposal and Drilled Wells	LPI
28.	Transfer/Recycling Station	PB
29.	Access entrances, and Accessory uses and structures that are essential for the exercise of uses listed above	S

4.7.4.	INDUSTRIAL ACTIVITIES	G
1.	Lumber Yard and Sawmill	PB
2.	Transportation Facility	PB
3.	Fixed (not mobile) Tank Bulk Oil and Fuel Tank Storage in excess of 500 gallons except for on-site heating and cooking purposes	PB
4.	Motor Vehicle: Automobile Graveyard/Junk/Salvage Yard/Recycling Facility	N
5.	Wholesale Business/Storage Facility up to 20,000 square feet in floor area	PB
6.	Wholesale Business/Storage Facility larger than 20,000 square feet in floor area	N
7.	Light Manufacturing Assembly Plant up to 20,000 square feet in floor area	PB
8.	Light Manufacturing Assembly Plant larger than 20,000 square feet in floor area	N
9.	Disposal of Toxic, Hazardous/Leachable Materials	N
10.	Subsurface Sewage Disposal and Drilled Wells	LPI
11.	Signage: Industrial	CEO
12.	Access entrances, and Accessory uses and structures that are essential for the exercise of uses listed above	S

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4.7.5.	TRANSPORTATION AND UTILITIES ACTIVITIES	G
1.	Airport terminal building and airport uses	N
2.	Land management roads and water crossings of standing waters and of State-defined major flowing waters	CEO
3.	Land management roads and water crossings of State-defined minor flowing waters	CEO
4.	Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops	PB
5.	Minor utility facilities, including service drops	CEO
6.	Road construction projects, other than land management roads that are part of projects requiring Planning Board review	PB
7.	Road construction projects, other than land management roads	PB
8.	Signage: Transportation and Utilities	CEO
9.	Wireless Telecommunications Facility: up to 195 feet in height	PB
10.	Wireless Telecommunications Facility: greater than 195 feet in height	N
11.	Access entrances, and Accessory uses and structures that are essential for the exercise of uses listed above	S

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SECTION V: LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general dimensional and performance standards with which all development proposals submitted for approval pursuant to this Ordinance must comply.

The following Land Use Standards shall govern all Land Use Permits issued by the Town of Bremen. In reviewing applications submitted pursuant to this Ordinance, the reviewing authority shall consider the following dimensional performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the owner.

5.1. DIMENSIONAL STANDARDS

All structures and uses shall conform to the following dimensional requirements:

5.1.1. Dimensional Standard	**G**
Minimum Lot Size (per Dwelling Unit*)	40,000 square feet
Minimum Continuous Road Frontage (along one roadway) excludes cul-de-sacs	100 feet
Minimum Front Setback	20 feet
Minimum Side and Rear Setback	20 feet
Minimum Separation of Detached Dwellings	25 feet
Maximum Structure Height** (excluding chimneys, steeples, flagpoles, and towers that contain no habitable floor area)	35 feet
Maximum Height for Wireless Telecommunications Facility	195 feet
Minimum Setbacks for Wireless Telecommunications Facility	110% of the height from all lot lines, with exceptions: see Performance Standards
Maximum Average Slope of Land with Structures	20%
Maximum Lot Coverage (includes principal structures, accessory structures, and impervious surfaces, such as parking lots, driveways)	25% ***
Campgrounds: Minimum Size	10 acres
Campgrounds: Maximum Size	25 acres

Notes: For purposes of setback calculations, structures include attached porches, decks, and any other attached appurtenances excluding steps that do not exceed twenty-five (25) square feet in size. Ramps for handicapped access are exempted from setback calculations.

*See Section 5.2.2 for exemption for an Accessory Dwelling Unit and Section 5.2.4 for exemption for an Affordable Housing Development.
** See the definition for an Accessory Dwelling Unit in Section 12.2 for the height limitations that apply to an Accessory Dwelling Unit.
***The Planning Board, under the authority in Section 11.5.4, may waive the lot coverage limitation under specified conditions.

5.2 PERFORMANCE STANDARDS

1. ACCESSORY USES: An accessory use shall not include any use that substantially alters the nature or characteristics of the neighborhood or substantially differs from the character of the present use of the premises, as initially determined by the reviewing authority.

2. ACCESSORY DWELLING UNIT (ADU): ADUs are allowed, with a permit from the CEO, in any district where single family dwellings are an allowed use. One (1) ADU may be constructed or otherwise located on any such lot, including a legally-existing non-conforming lot, as long as the ADU is located outside the Shoreland Zone and the lot contains an existing single-family dwelling. No additional base density or lot area requirement shall apply for the one (1) ADU, provided all other applicable Section 5.1 dimensional standards and Section 5.2 performance standards are met. Lot base density and area requirements for ADUs located inside the Shoreland Zone are specified in the Bremen Shoreland Zoning Ordinance. Written verification must include the following:
   a. If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit(s) and proof of payment for the connection to the system;
   b. If connected to a new or existing private septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRSA§4221. Plans for a subsurface wastewater disposal system must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, *Subsurface Wastewater Disposal Rules;*
   c. If connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit;
   d. If connected to a new or existing private well, proof of access to potable water, including the standards outlined in 01-672 CMR. Ch.10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must include that the water supply is potable and acceptable for domestic use.

3. ACCESS ENTRANCE REQUIREMENTS: Access entrances to roads shall be controlled in both location and design. Provision shall be made for adequate access to the development to safeguard against hazards to traffic and pedestrians in the road and within the development, to avoid traffic congestion on any road, and to provide safe and convenient circulation on public roads. All access entrances constructed after the adoption of this Ordinance shall be in accordance with the following standards.

   a. Angles. In order to minimize turning time and driver confusion, entrances that permit traffic flow for ingress and egress must intersect the road at an angle of or as near to ninety (90) degrees as site conditions may permit and

in no case less than sixty (60) degrees. Entrances that permit one-way access for ingress only or egress only shall form an angle of at least sixty (60) degrees with roads.

b. Corner Clearance. The minimum corner clearance for an access entrance to roadways must be seventy-five (75) feet for un-signalized intersections and one hundred twenty-five (125) feet for signalized intersections, except that the reviewing authority may require increased corner clearance if it reasonably determines that the proposed access entrance may significantly impact public safety or cause a reduction in posted speed.

c. Drainage. In accordance with 23 M.R.S.A., Section 705, as amended, culverts of size, length, and type as determined by the municipality must adequately protect the roadway to control erosion and runoff with best management practices.

d. Emergency Vehicle and School Bus Access. For public health and safety purposes, clear routes of access shall be provided and maintained for emergency vehicles and school buses to and around buildings, and posted with appropriate signage where applicable (e.g., fire lane - no parking). Roadbeds, bridges and culverts shall be capable of supporting forty thousand (40,000) pounds to accommodate firefighting equipment.

Access entrances (driveways) serving more than two (2) single-family dwelling units and that are longer than two hundred (200) feet shall have a turnaround for emergency vehicles and school buses, with the inside radii of all turns no less than thirty (30) feet.

e. Grades. The maximum grade for access entrances shall be three (3) percent for the first forty-five (45) feet from the edge of the existing road. Thereafter, the grade shall not exceed seven (7) percent for entrances serving commercial, multi-family, and all other non-residential uses.

f. Multiple Entrances per Lot. Uses on lots that generate fifty (50) or more vehicle trips per day (in accordance with the latest edition of the *Trip Generation Manual*, published by the Institute of Traffic Engineers) on a lot that has a minimum frontage of no less than three hundred (300) feet may not have more than two (2) entrances for access onto public roads.

g. On-site Vehicle Circulation. Entrances shall have sufficient capacity to avoid queuing of entering vehicles on any public street. Entrances shall be designed with sufficient on-site turnaround area on the lot to enable a driver to exit the premises without backing onto a public right-of-way.

h. Shared Entrances. Owners of adjacent properties are encouraged to construct shared entrances. Road frontage requirements, if any, may be reduced by twenty (20) percent when abutting property owners share one

entrance. Provisions for vehicular connections to existing or future uses on adjacent properties are encouraged wherever feasible and to the maximum extent possible so as to minimize the traffic exit/enter movements.

i. Sight Distance. The sight distance for access entrances on State or State aid roads shall meet or exceed 23 M.R.S.A., Section 704, et seq., *17-229 Maine Administrative Rules, Department of Transportation, Chapter 299: Highway Driveway and Entrance Rules*. The owner shall obtain a permit from the State before the Town issues a permit for a project on State or State aid roads. On Town roads, the sight distances listed in the Table of Sight Distance Minimums, below, must be met. Sight distance is measured in accordance with its definition. The reviewing authority may require up to fifty (50) percent greater sight distances when at least thirty (30) percent of the traffic using the access point may be by larger vehicles, like trucks and buses that are typically forty (40) feet in length or longer.

5.2.i. Table of Sight Distance Minimums	
Posted Speed (MPH)	Sight Distance Minimum (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570

j. Spacing Standards. All new access entrances shall be separated from other existing or proposed access points in accordance with the minimum spacing standards set forth in the Table of Minimum Access Point Spacing Standards, below. Access point spacing is measured from the edge of a proposed access point to the closest edge of adjacent existing access points, excluding radii. Access points located directly across the roadway (opposite side) from a proposed access point are not counted in applying the spacing standard. See table below.

5.2.j. Table of Minimum Access Point Spacing Standards	
Posted Speed (MPH)	Spacing Standards (Feet)
20	60
25	70
30	75
35	85
40	175
45	265
50	350
55	525

k. Truck Loading/Unloading. In order to minimize traffic backups caused by parked delivery vehicles, non-residential uses that may be served by delivery vehicles must provide a clear route for such vehicles with appropriate design to allow for on-site turning and backing.

l. Width. The two-way traveled portion of entrances shall be no less than twelve (12) and no greater than twenty-two (22) feet in width.

The width of an entrance is the distance across the entrance, excluding radii, measured parallel to the roadway. Driveways that serve only one single-family dwelling are exempted from these width requirements.

m. Retrofits. When the owner of a property with an existing, non-conforming access point applies for a permit to upgrade or change the use of the property and/or the access point, the property owner may be required to establish a retrofit plan. The objectives of the retrofit plan may be to minimize the traffic and safety impacts of development by bringing the number, spacing, location, and design of accesses into conformance with the standards and requirements of these access management standards, to the extent possible without imposing unnecessary hardship on the property owner. The retrofit plan may include:

i. elimination of one or more access points if there are multiple access points onto a site.
ii. realignment or relocation of access points.
iii. provision of shared access points and/or cross parking lot connection
iv. access by means of a service drive or frontage road
v. restriction of vehicle movements (e.g., elimination of left-turns in and out.)
vi. relocation of parking.
vii. traffic demand management (e.g., a reduction in peak hour trips.)
viii. signalization.

ix. such other changes as may enhance traffic safety.

n. Frontage on Multiple Roads. Where a lot has frontage on two or more roads, the primary access to and egress from the lot shall be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other roads may be allowed if it is safe and does not promote shortcutting through the site.

o. Design. All roadways shall be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities that result in unstable soil conditions and erosion, by fitting the development into the natural contour of the land, by avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction.

4. AFFORDABLE HOUSING DEVELOPMENT (AHD): All Affordable Housing Developments shall:

a. Be located within a Zoning District that permits Multi-Family Housing.
b. Provide in the application written verification of adequate water and wastewater services in accordance with Section 5.2.2 a. through d.
c. Be required to execute a restrictive covenant, recorded in the Lincoln County Registry of Deeds, for the benefit of and enforceable by a party acceptable to the Town of Bremen, to ensure that for at least thirty (30) years after completion of construction:
    i. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
    ii. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

The applicant must provide written verification of adequate water and wastewater service as detailed in Section 5.2.2 a. through d.

An AHD that is to be located outside the Shoreland Zone is required to demonstrate the dwelling unit density shall be no more than two and a half times (x2.5) the base density that is allowed in the applicable Zoning District. As a result, the dwelling unit density allowed in an AHD is determined by dividing the area of the subject lot (in square feet) by the minimum dwelling unit lot size (in square feet) in Section 5.1 of this Ordinance, then multiplying by 2.5. If this calculation results in a fractional number of dwelling units, then the number of allowed units is rounded down to the nearest whole number. The following table provides examples of the number of units allowed in the AHD based on a minimum per dwelling unit lot size of 40,000 square feet in effect on July 1, 2024. See Table below.

Lot Size (in square feet)	No. of Units Allowed
<48,000	0
48,000-63,999	3
64,000-79,999	4
80,000-95,999	5
96,000-111,999	6
112,000-127,999	7
128,000-143,999	8
144,000-159,999	9
160,000-175,999	10

All other applicable Section 5.1 Dimensional Standards and Section 5.2 Performance Standards must be met for an AHD. Lot based density and area requirements for AHDs located inside the Shoreland Zone are specified in the Bremen Shoreland Zoning Ordinance.

A dwelling unit located within an Affordable Housing Development cannot be used as a **Short-Term Rental**, as defined in this Ordinance. Affordable Housing Developments are also likely subject to subdivision review.

5. AGRICULTURAL MANAGEMENT ACTIVITIES: Agricultural practices shall be conducted in such a manner as to prevent soil erosion, sedimentation, and contamination or nutrient enrichment of surface waters.

6. AIR POLLUTION: Air pollution control and abatement shall comply with applicable Federal and State requirements.

7. ARCHAEOLOGICAL AND HISTORIC RESOURCES: If any portion of the development site has been identified as containing historic or archaeological resources, the development project shall be required to submit inspection reports performed by qualified professionals to the State Historic Preservation Commission (SHPC). The development project shall be altered in accordance with the SHPC recommendations.

8. BUFFERS: Buffers for commercial, industrial and institutional uses shall be provided and maintained:

   a. Along property lines to shield varying uses from one another;
   b. Along property lines when necessary to block prevailing winds to stop debris from leaving the site;
   c. Along interior roads running parallel to roads exterior to the site in order to prevent driver confusion, particularly at night;

d. Along property lines when necessary to prevent any proposed lighting from interfering with residential property or with safe driving;

e. Along all parking areas to minimize their visual impact on adjoining traveled ways and properties.

f. Screening shall be provided and maintained:

i. To block the view to adjoining traveled ways and properties, in all loading areas, waste collection and disposal areas, parking areas for commercial vehicles, and outdoor storage areas;

ii. To deter entry to the site where there is a potential safety hazard to children.

g. All buffers and screening shall be durable and properly maintained at all times by the owner in a neat and sanitary manner and shall be so located within the property lines to allow access for maintenance on both sides without intruding upon abutting properties.

h. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and non-compatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be provided to satisfy the purposes stated above. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two or three rows of staggered plantings. The rows should be five feet apart and the evergreens planted four feet on center.

9. BUILDING/ STRUCTURE/ PREMISES - YARD MAINTENANCE STANDARDS: All buildings, structures, and parts thereof permitted under this Ordinance may not present a hazard to public health or safety as determined by the Fire Chief or CEO, in accordance with State Statutes.

10. CAMPGROUNDS: Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

a. Minimum lot size. Campgrounds may not occupy less than ten (10) acres and no more than twenty-five (25) acres, and shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation and land below the normal high-water line of a water body may not be included in calculating land area per site.

b. Setbacks. The areas intended for placement of a recreational vehicle, a tent or shelter, and utility and service buildings shall be set back a minimum of two hundred fifty (250) feet from any property line or public road.

c. Other structures. Mobile homes, cabins, or similar permanent residential dwellings are prohibited. A recreational vehicle may not be stored or exhibited for sale within the campground.

d. Only acoustic music is allowed outside in campgrounds. Noise shall be reduced to 60dBA or less measured at the property line between the hours of 10 PM to 7 AM, including noise that is continuous or sustained.

11. CONFORMANCE WITH COMPREHENSIVE PLAN, ORDINANCES, LAWS AND REGULATIONS: All proposed development shall be in conformity with the Comprehensive Plan and with the provisions of all pertinent local ordinances and regulations, State laws, and Federal regulations.

New construction shall comply with current fire, electrical and plumbing codes as regulated by the National Fire Protection Association (NFPA) at NFPA 70 and the State of Maine at 32 MRSA Chapter 17, 30-A MRSA Section 4215 et seq,, 30 MRSA Section 3221 and 30 MRSA Section 3223A.

12. CONVERSIONS: Conversions of existing structures from single-family to multi-family units or from seasonal to year-round multi-family use may be permitted provided that:

a. Off-street parking plus maneuvering space shall be provided.

b. Approval of conversion plans by the fire, electrical, and plumbing inspector(s) as regulated by the National Fire Protection Association (NFPA) and 30-A M.R.S.A., Section 4215 et seq. is required prior to issuance of a land use permit.

c. Each dwelling unit shall have its own toilet, sleeping, and cooking facilities, and no dwelling unit may share these facilities with any other dwelling unit.

13. DUST, FUMES, VAPORS, GASES, ODORS, GLARE, AND EXPLOSIVE MATERIALS: Emission of odors, dust, dirt, fly ash, and toxic fumes, vapors or gases shall comply with State and Federal standards.

14. EROSION AND SEDIMENTATION CONTROLS/STORMWATER MANAGEMENT: All new construction and development shall be designed to minimize surface water runoff from the site in excess of the natural predevelopment conditions. Where possible, natural runoff control features, such as berms, swales, terraces, and wooded areas, shall be retained, enhanced, or created in order to reduce runoff and encourage on-site infiltration of surface water runoff. Surface water runoff control systems shall be maintained as necessary to ensure proper functioning. The following measures relating to stormwater management, erosion, and sedimentation control shall be included where applicable as part of projects submitted for review and approval under this Ordinance:

a. The reviewing authority may require an owner to have an erosion and sedimentation control plan prepared by a licensed professional civil engineer or certified professional in erosion and sediment control, in accordance with the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, latest revision, Maine Department of Environmental Protection (DEP). The reviewing authority may require the review and endorsement of this plan by the Soil and Water Conservation District.

b. Regardless of whether an erosion and sedimentation control plan is required, erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:

i. Stripping of vegetation, soil removal, and re-grading or other development shall be done in such a way as to minimize erosion.

ii. Development shall preserve outstanding natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

iii. The development shall retain surface water runoff on the site to the greatest extent possible, and may not unreasonably increase the rate or volume of surface water runoff from the proposed site.

iv. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

v. The disturbed area and the duration of exposure shall be kept to a practical minimum.

vi. Disturbed soils shall be stabilized as quickly as practicable.

vii. Temporary vegetation or mulching shall be used to protect disturbed areas during development.

viii. Permanent (final) vegetation and mechanical erosion control measures in accordance with the provisions of the Maine DEP's *Best Management Practices for Erosion and Sedimentation Control* or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.

ix. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, silt traps, or other acceptable methods.

x. The top of the cut or the bottom of a fill section may not be closer than ten

(10) feet to an adjacent property, unless otherwise specified by the reviewing authority.

xi. During grading operations, dust control shall be employed wherever practicable.

xii. Whenever sedimentation is caused by stripping vegetation, re-grading, or other development, it shall be the responsibility of the owner or developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses and to repair any damage at the owner or developer's expense as quickly as possible.

xiii. Maintenance of drainage facilities or watercourses originating on or completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

15. FLOOD HAZARD AREA: When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, and by the Floodplain Management Ordinance, the site plan and/or application shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

16. HOME OCCUPATION: Home occupations shall be allowed as a business, profession, occupation, or trade conducted for financial gain. The use shall be accessory, incidental, and secondary to the use of the lot for dwelling purposes, and not change the residential character or appearance of the building and lot.

Home occupations shall conform to the following standards:

a. Employees. There may be no more than the equivalent of two (2) full-time on-site workers from outside the family-in-residence.

b. Objectionable conditions such as noise (no greater than 60 dBA as measured at the property line, including noise that is continuous or sustained,) vibration, smoke, dust, electrical disturbance, odors, heat, or glare that are detectible on abutting properties may not be permitted.

c. Prohibited Material. Home occupations that involve use or storage of hazardous or leachable materials in excess of normal residential use may not be permitted.

d. Parking. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall also be

provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours.

e. Maximum Area. Home occupations shall occupy no more than one thousand five hundred (1,500) square feet of floor space.

Uses or activities that do not meet these standards shall be considered as Low Impact Business, Commercial, Industrial, or Institutional Uses or Activities and shall be reviewed under those applicable provisions of this Ordinance.

17. INDUSTRIAL PERFORMANCE STANDARDS: The following provisions shall apply to all permitted industrial uses:

a. Danger. Material that is dangerous due to the risk of explosion, extreme fire hazard, chemical hazard, or radioactivity may not be used, stored, manufactured, processed, or assembled, except in accordance with applicable State and Federal codes and regulations.

b. Ground Vibration. With the exception of vibration necessarily involved in the construction or demolition of buildings, a vibration may not be transmitted outside the lot where it originates.

c. Wastes. Liquid, solid, or hazardous wastes may not be discharged or dumped into any location not specifically designed to accept such waste, as determined by the Maine DEP, or into any river, stream, watercourse, storm drain, pond, lake, or wetland.

d. Noise. Noise may be no more than 60 dBA measured at the property line, including noise that is continuous or sustained, unless waived by the reviewing authority under Section XI.11.5.4.b.

18. LIGHTING DESIGN STANDARDS: All exterior lighting shall be designed to minimize adverse impact on neighboring properties. The owner shall demonstrate that the proposed lighting is appropriate for the intended use. The reviewing authority shall consider the hours of operation, the characteristics of the neighborhood, and the specific activities proposed in making its determination.

Exterior lighting shall conform to the following standards:

a. Maximum Height. The maximum height of freestanding exterior lights may not exceed fourteen (14) feet, including the base.

b. Design. All exterior lights shall be downward full cutoff luminaires (5 M.R.S.A., Section 1769) that allow no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.

c. Style. Maximum lighting at property lines may be no more than 10 foot-

candles for surrounding non-residential uses, and 5 foot-candles for surrounding residential uses.

d. Restricted Use. When the activity is not in use, lighting shall be turned down to security level or turned off.

e. Signage. Illumination of signage shall be by downward full cutoff luminaires only.

19. LOT SIZE, SETBACK AND COVERAGE REQUIREMENTS: See 5.1. Dimensional Standards.

20. LOW IMPACT BUSINESS: Low Impact Businesses may be allowed as a business, profession, occupation, or trade conducted for financial gain, provided that such a business does not change the rural and/or residential character of the neighborhood.

Low Impact Businesses shall conform to the following standards:

a. Employees. There may be the equivalent of no more than four (4) full-time equivalent on-site workers.

b. Conditions such as noise (no greater than 60 dBA as measured at the property line, including noise that is continuous or sustained,) vibration, smoke, dust, electrical disturbance, odors, heat, or glare, shall be kept to a minimum, and may not adversely affect neighboring properties.

c. Prohibited Materials. Low Impact Businesses may not use or store hazardous or leachable materials in excess of normal residential use.

d. Parking. In addition to the off-street parking provided to meet the normal requirements of an on-site dwelling, if any, adequate off-street parking shall be provided to meet all aspects of the Low Impact Business, including but not limited to parking for clients, employees, or other vehicles needed for the business and any other machinery such as tractors or trailers.

e. Maximum Area. A building or accessory structure in use for the business may not exceed twenty-five hundred (2,500) total square feet. The aggregate of all permanent buildings in use for the business may not exceed seventy-five hundred (7,500) total square feet.

Uses or Activities that do not meet these standards shall be considered as Commercial, Industrial, or Institutional Uses or Activities and shall be reviewed under the applicable provisions of this Ordinance.

21. MANUFACTURED HOUSING: Manufactured housing shall meet 30-A M.R.S.A. Section 4358 as may be applicable and amended.

22. OFF-STREET PARKING:

a. Minimum Requirements. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, expansion, and changes of use:

i. Dwellings – Two (2) parking spaces for each dwelling unit except:

1. Accessory Dwelling Units – No additional parking spaces are required, however, ability to park off-street plus maneuvering space must be provided.

2. Affordable Housing Developments – Two (2) parking spaces for every three (3) affordable units.

The number of parking spaces required for an AHD is determined by multiplying the number of proposed dwelling units by 2/3. If this calculation results in a fractional number of parking spaces, then the number of required spaces is rounded up to the nearest whole number. The following table provides examples of the number of parking spaces required based on the number of proposed units in the AHD.

No. of Units Proposed	No. of Spaces Required
3	2
4	3
5	4
6	4
7	5
8	6
9	6
10	7

ii. Transient Accommodations:

1. Bed and Breakfast accommodations and motels, hotels, boarding houses, and inns with 4 guest rooms or fewer -- Two (2) parking spaces plus one additional space for each guest room.
2. Motels, hotels, boarding houses, and inns with more than 4 guest rooms -- One (1) parking space for each guest room plus one (1) additional space for every three (3) employees.

iii. Schools – Five (5) parking spaces for each classroom plus one (1) space for every four (4) employees.

iv. Theaters, places of worship, and other public assembly places – One (1) parking space for every four (4) seats or for every one hundred (100) square feet, or major fraction thereof of assemblage space.

v. Retail Stores – One (1) parking space for every two hundred (200) square feet of retail area, plus one for every two employees, unless public parking is provided.

vi. Restaurants, eating and drinking establishments – One (1) parking space for every four (4) seats, plus one (1) for every two (2) employees, unless public parking is provided.

vii. Professional Offices and Public Buildings – One (1) parking space for every two hundred (200) square feet of gross leasable area, exclusive of cellar and bulk storage areas, unless public parking is provided.

viii. Other Commercial Recreation Establishments (golf courses, etc.) – The number of spaces deemed appropriate for the anticipated usage by the reviewing authority, given the expected number of employees and users and the nature of the establishment's activities.

ix. Industrial – One (1) parking space for every 1.5 employees, based on the highest expected average employee occupancy, plus visitor and customer parking to meet the needs of specific operations, as accepted by the reviewing authority.

x. Other commercial or institutional uses not listed – The reviewing authority may determine the requisite parking based upon average number of employees, customers/participants, and overflow parking needs for events.

xi. Shared parking – The reviewing authority may consider shared parking with adjacent uses that have opposite parking peak times. Such shared parking shall be in the form of a recorded agreement that may run with the land.

22. OFF-STREET LOADING: Adequate off-street loading areas shall be provided for appropriate land uses. Loading areas cannot be included as parking spaces when meeting parking requirements.

23. RECREATIONAL VEHICLES:

a) A recreational vehicle may be occupied for up to 120 cumulative days in a calendar year without a permit. Prior to being occupied or within 10 days of initial occupancy, a plan for wastewater disposal must be submitted to and

approved by the Code Enforcement Officer. **See the Shoreland Zoning Ordinance performance standards for Individual Private Campsites for additional requirements regarding temporary Recreational Vehicle occupancy when located within the Shoreland Zone.**

b) Except where the Recreational Vehicle is located in the Shoreland Zone, and at the discretion of the Code Enforcement Officer, the Code Enforcement Officer may grant a temporary use permit for additional occupancy beyond the initial 120-day period referenced above, depending on extenuating circumstances. A written application for temporary use beyond the initial 120-day period shall be submitted for review and approval by the Code Enforcement Officer. The application shall include, at a minimum, the reason(s) the temporary extension is needed, the duration of additional occupancy time requested with specific beginning and end dates, and any changes or updates to the initial wastewater disposal plan. **See the Shoreland Zoning Ordinance performance standards for Individual Private Campsites for additional requirements regarding temporary Recreational Vehicle occupancy beyond the initial 120-day period**.

(i) In a circumstance where someone is using a Recreational Vehicle as a temporary residence while renovating an existing home or building a new home, a temporary use permit to extend the vehicle's permissible occupancy may be issued by the Code Enforcement Officer to coincide with the duration of the building permit for the renovation or new home, including any building permit extensions, or until a Certificate of Occupancy for the new home has been issued.

c) A Recreational Vehicle that is occupied for more than the initial 120-day period, plus any extension(s) granted to it, is a permanent structure for purposes of this Ordinance and must meet all of the Town of Bremen ordinance requirements for a permanent single-family dwelling including waterbody and lot line setbacks, per dwelling unit minimum lot size requirements, etc.; and all federal, state, and local codes such as those required by the National Fire Protection Association, and other life safety, plumbing and electrical systems for Recreational Vehicles. A permit for such permanent use of a Recreational Vehicle must be issued by the Code Enforcement Officer. In addition, a Residential Growth Permit is required.

d) A Recreational Vehicle that is occupied for more than the initial 120-day period plus any extension(s) granted to it, and is proposed to be used as an ADU, must meet all of the Town of Bremen ordinance requirements applicable to an ADU in addition to the other fire, safety, plumbing and electrical requirements referenced in paragraph 23(c), above. However, a Residential Growth Permit is not required for its use as an ADU.

e) Where the Recreational Vehicle is located in the Shoreland Zone, review and approval of an application to the Planning Board for its use as a permanent single-family residence or an ADU, as applicable, must be obtained prior to the issuance of a permit from the Code Enforcement Officer.

24. REFUSE DISPOSAL

a. Disposal. The owner shall provide for the disposal of all solid, liquid, and hazardous wastes on a timely basis and in an environmentally safe manner, as determined by DEP rules and regulations.

b. Industrial or Chemical Waste. The impact of particular industrial or chemical wastes or by-products upon the proposed sanitary facilities (in terms of volume, flammability, or toxicity) shall be considered, and the owner may be required to dispose of such wastes elsewhere, in conformance with all applicable State and Federal regulations. The owner shall specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

c. Slash. Any slash shall be managed and disposed of as required by Maine DEP rules and regulations as may be amended.

25. SUBSURFACE SEWAGE DISPOSAL: A Licensed Plumbing Inspector (LPI) Permit may not be issued for a project with subsurface sewage disposal unless:

a. There is an area of suitable soils, according to the Maine Subsurface Wastewater Disposal Rules, and of sufficient size to accommodate the proposed system.

b. An acceptable plan to construct the absorption area is prepared in accordance with the Maine Subsurface Wastewater Disposal Rules.

A development may not be permitted that utilizes, for on-site subsurface sewage disposal purposes, any soil listed in the Soil Suitability Guide as having a very poor rating for the proposed use, unless the proposed sewage disposal system is approved under the Maine Subsurface Wastewater Disposal Rules.

26. SIGNAGE

a. Conformance of Signs. A sign may be erected or altered in conformance with the provisions of this section.

b. Signs Prohibited. A sign that causes traffic sight distance problems, or a health or welfare risk, or that results in a hazard, due to illumination, placement, display, or obstruction of existing signs, or interferes with plowing is prohibited.

c. Temporary Signs. Temporary signs are permitted as follows:

i. Temporary Signs Giving Notice: Signs of a temporary nature, except signs posted by the Town, such as political posters, advertisements or notice of charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed sixty (60) days, provided that the person(s) who posted the signs shall be responsible for their removal. Removal shall be within twenty-four (24) hours of the function, meeting, or election.

ii. Temporary Yard/Garage Sale Signs: Temporary yard/garage sale signs are permitted provided they do not exceed the size standards of Subsection (d) and provided they are removed within twenty-four (24) hours of the completion of the sale. Yard sales that extend for more than four (4) consecutive days are considered commercial use.

iii. Temporary Commercial Signs: Temporary commercial signs, such as real estate or contractor signs, may be displayed only on the property being serviced. Such signs must be removed within five (5) working days of completion of the service, i.e. sale date or completion of the project.

d. Sign Requirements. All signs, other than temporary signs, shall meet the following requirements:

i. Free-standing Sign: One (1) Free-standing sign per business is permitted. The sign may not exceed twenty-five (25) square feet.

ii. Projecting Sign on Building/Sign on Building: Either one (1) projecting sign or roof sign on building or one (1) wall sign per business is permitted. Projecting signs shall not exceed twenty-five (25) square feet in area. Wall or roof signs shall be limited to fifty (50) square feet in area. Signs may not extend beyond the height of the building.

iii. A sign may not project over a walkway or interfere in any way with the normal flow of foot or vehicular traffic.

iv. A sign may not contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights, animated text, animated illustrations, or be moved by air.

v. A free-standing sign may not exceed ten (10) feet above ground in height including its post or support.

vi. Signs may be illuminated only by downward, full-shielded, non-flashing lights so as to prevent beams of light from being directed at neighboring residential properties or any portion of the main traveled way of a roadway. Signs must be of such low intensity or brilliance as not to cause glare or impair the vision of the driver of

any motor vehicle.

vii. Home occupations may have one free-standing sign that may not exceed eight (8) square feet.

viii. Low Impact Businesses may have one free-standing sign that may not exceed twelve (12) square feet and one sign on building that may not exceed twelve (12) square feet.

ix. Signs relating to trespassing and hunting may not exceed two (2) square feet.

e. Off-Premise Signs. An off-premise sign may not be erected or maintained except in conformity with 23 M.R.S.A., Sections 1901-1925, and The Maine Traveler Information Services Law. Off-premises official business directional signs may be located in the Town in such locations and in such a manner as allowed under 23 M.R.S.A., Sections 1901-1925 and under the rules and regulations of the Department of Transportation (DOT) of the State of Maine.

Note: 23 M.R.S.A., Section 1913-A allows certain off-premise signs (e.g., agricultural products and farmer's markets) without license or permit as long as they conform to applicable State provisions.

f. Exempt Signs. The following signs are exempt from the provisions of this section, except as otherwise provided for herein: Traffic control signs, signals, and/or other devices regulating or enhancing public safety, erected by a governmental body.

27. TOWERS: WIRELESS TELECOMMUNICATIONS FACILITIES: A tower may not be erected, altered, or maintained within the Town except in conformance with the provisions of this section. The Town may elect to require a surety prior to the construction of any tower. All towers within the Town shall meet the following requirements:

a. New wireless telecommunications facilities shall be, to the extent possible, co-located on an existing wireless telecommunications facility or other similar existing structure.

A new facility may not be located in a viewshed, as designated in the comprehensive plan, in a Historic District, as recognized by the National Registry of Historic Places, or in the shoreland districts, as defined in the Shoreland Zoning Ordinance.

b. Siting on Municipal Property. If an owner proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the owner must show the following:

i. That the proposed location complies with applicable municipal policies and ordinances.

ii. That the proposed facility may not interfere with the intended purpose of the property.

iii. That the owner has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

c. Structural Standards. A wireless telecommunications facility shall 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."

d. Height. The maximum height of a wireless telecommunications facility shall be one hundred ninety-five (195) feet.

e. Setbacks. A wireless telecommunications facility shall comply with the setback requirements, or be set back one hundred ten (110) percent of its height from all property lines, whichever is greater. The facility shall be designed, so that if it collapses, it may do so in a manner that would not harm abutting properties. No part of the tower structure, including anchors, guy wires, overhead lines, masts, etc., may be located in the required setback or in any required buffer area, both on the ground and in the airspace above the buffer area. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, power line support device, water tank, or other similar structure.

f. Lighting. A wireless telecommunications facility shall be illuminated only as necessary to comply with Federal Aviation Administration (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 the light within the boundaries of the site.

g. Color and Materials. A wireless telecommunications facility shall 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.

h. Landscaping. A wireless telecommunications facility shall be screened with native plants from the view of abutting property owners to the maximum extent possible, and landscaped to conform with the surrounding area.

i. Fencing. A telecommunications facility shall be fenced to discourage trespass on the facility. As deemed appropriate by the Planning Board, sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated to reduce the potential for trespass and injury.

j. Visual Impact. A wireless telecommunications facility shall have no unreasonable adverse impact upon scenic resources, as identified either in the comprehensive plan, or by a State or Federal agency. There may be no signs, other than for public safety, installed on any tower. The following submissions are required as a basis for the Planning Board to determine visual impact:

i. A tree line elevation drawing depicting vegetation within two-hundred (200) feet of the proposed facility.
ii. Details regarding the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
iii. Details or drawings indicating the extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s) of pedestrians and passing motorists.
iv. A description of the amount and location of proposed vegetative screening.
v. A description regarding reasonable alternatives, if any, that would allow the facility to function consistently with its purpose.

k. Historic and Archaeological Properties. A wireless telecommunications facility may have no unreasonable adverse impact upon a historic district, site, or structure that may be listed on or eligible for listing on the National Register of Historic Places, as determined by the Maine Historic Preservation Commission.

l. Abandonment and Inactivity. A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned.

After 12 months of inactivity, the CEO shall notify the property owner in writing by certified mail to remove 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 property 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.

m. Facility Removal. The Planning Board shall require a surety bond for the removal of the facility. The owner of the facility may apply to the CEO for release of the surety when the facility and related equipment are removed to the satisfaction of the CEO.

n. Exempt Towers. The following are exempt from the provisions of this section:

i. Emergency, temporary wireless telecommunications facilities.

ii. Amateur (ham) radio stations, except where such activities impact other telecommunications in the area.

iii. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property.

iv. Maintenance, repair, or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

v. Residential Accessory antennas and satellite dishes.

28. TRANSIENT ACCOMMODATIONS: BED AND BREAKFAST: Bed and Breakfast accommodations shall be permitted in the private, year-round residence of the host family who lives on the premises, provided that:

a. The maximum number of guest rooms is four (4).

b. Breakfast is the only meal provided by the host family.

c. Documentation is provided by the LPI that the existing (or proposed) septic system may comply with the requirements of the Maine Subsurface Wastewater Disposal Rules.

d. The host family has received any and all state and/or federal permits as may be required for the use.

e. The building is a year-round residence of the owner and operator who lives on the premises.

29. TRANSIENT ACCOMMODATIONS: BOARDING HOUSE, MOTEL, HOTEL AND INN: Boarding House, motel, hotel, and inn accommodations shall be permitted provided that the maximum number of guest rooms is fifteen (15).

30. VERNAL POOL: An activity in, on, or over these areas must avoid unreasonable impacts on the significant vernal pool habitat and obtain approval from the DEP through a Permit by Rule or individual NRPA approval

31. WATER USAGE AND WATER QUALITY: A proposed use or activity shall have sufficient water available for reasonably foreseeable needs of the development including, but not limited to, potable water and fire control water. The water supply may not alone, or in conjunction with other activities, adversely affect the quality or quantity of the groundwater available to abutting properties or to public water supply systems, if any.

a. Safety. Owners whose project involves on-site sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater shall demonstrate that groundwater quality at the property line may comply, following development, with the standards for safe drinking water as established by the State.

b. Groundwater quantity. Owners whose project involves on-site water supply systems with a capacity of two thousand (2,000) gallons per day or greater shall demonstrate that, following development, the quantity of groundwater available for abutting properties or any existing public supply systems shall not be adversely affected.

c. Danger. A person may not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may cause a dangerous or hazardous condition. Such conditions include the run off, seepage, percolation, or wash of said materials into surface or groundwater so as to cause a dangerous or hazardous result. Such results include contamination and pollution. These conditions and their results shall not harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

d. Storage. Storage facilities for fuel, chemicals, chemical, or industrial wastes, and biodegradable raw materials, shall meet the standards of the DEP and the State Fire Marshall's Office.

e. Watershed Requirements. If the project is located within the watershed of a “body of water most at risk from development” as identified by the DEP, the project shall comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorus.

f. Groundwater. The reviewing authority may require a hydrological study of groundwater impacts prepared by a Maine certified geologist.

SECTION VI: SOLAR ENERGY INSTALLATONS

SECTION VII: RESERVED FOR FUTURE USE

SECTION VIII: RESERVED FOR FUTURE USE

SECTION IX: RESERVED FOR FUTURE USE

SECTION X: RESERVED FOR FUTURE USE

SECTION XI: ADMINISTRATION AND ENFORCEMENT

SECTION USERS GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

11.1. CREATION OF ADMINISTERING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER: The CEO may approve or deny those applications on which he/she is employed to act as provided in this Ordinance. Approval may be granted only if the proposed use is in conformance with the provisions of this Ordinance. The CEO shall be appointed by the Board of Selectmen.

2. PLANNING BOARD: The Planning Board has been established in accordance with Article VIII, Pt. 2, Section 1, of the Maine Constitution and 30-A M.R.S.A., Section 3001. The Planning Board shall be elected by the Town.

   The Planning Board may approve, approve with conditions, or deny those applications on which it is empowered to act as stated in this Ordinance.

3. BOARD OF APPEALS: The Board of Appeals has been heretofore established in accordance with Article VIII, Pt 2, Section 1 of the Maine Constitution and with 30-A M.R.S.A., Section 4353. The Board of Appeals shall be appointed by the Board of Selectmen.

11.2. APPROVAL REQUIREMENT

After the effective date of this Ordinance, a person may not engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the reviewing authority and a permit issued by the CEO, as provided herein.

11.3. APPLICATION REQUIREMENT

Applications for review shall be submitted in writing, on forms provided, to the CEO and/or to the Planning Board. The CEO and/or the Planning Board may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

11.4. CEO PERMIT PROCEDURE

A permit issued by the CEO shall be required before beginning or undertaking any activities as indicated pursuant to Section IV: Schedule of Land Uses.

1. APPLICATION: All applications for a CEO Permit shall be submitted to the Town office, with appropriate fee, on forms provided.

2. SUBMISSIONS: All applications for a CEO Permit shall be accompanied by a sketch plan showing dimensions or distances, and showing the following information. The CEO may require submissions to be prepared by a licensed architect or engineer for any non-residential buildings or multi-family buildings. The CEO may also require buffering plans to be prepared by a registered landscape architect. Surveys must be prepared by a licensed surveyor.

   a. The shape and dimensions of the lot for which a permit is sought.

   b. The location and size of all buildings, structures, and other significant features such as waterbodies and wetlands currently existing on the lot, as well as all waterbodies and wetlands within two-hundred fifty (250) feet of the property lines.

   c. The location and building plans of new buildings, structures, or portions thereof to be constructed or any structure to be moved or relocated. Scaled drawings are to be submitted if deemed necessary by the CEO.

   d. The existing and intended use of each building or structure.

   e. The septic system design including a copy of form HHE-200 (Subsurface Wastewater Disposal System Plan.)

   f. The location of existing and proposed signage.

   g. Where applicable, the location of soil test pits, subsurface sewage disposal systems, parking lots and driveways, signs, buffers, and private wells.

   h. Such other information as may be reasonably required by the CEO to provide for the administration and enforcement of this Ordinance.

3. WAIVER: The CEO may waive any of the submission requirements based upon a written request of the owner. A waiver of any submission requirement may be granted only if the CEO makes a finding that the information is not required to determine compliance with the standards of this Ordinance.

4. TO WHOM ISSUED: A permit may not be issued except to the owner of record or his authorized agent. Written proof of authorization shall be required.

5. COMPLIANCE WITH LAND USE ORDINANCE: All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.

6. DEADLINE FOR DECISION: The CEO shall, within thirty (30) days of receipt of an application: (a) issue the permit, if all proposed construction and uses meet

the provisions of the Ordinance; (b) refer the application to the Planning Board for its review; or (c) deny the application. All decisions of the CEO shall be in writing.

7. COPIES: One (1) copy of the application, with the permit or other written decision of the CEO, shall be returned to the owner, and one (1) copy of the same~~,~~ shall be retained by the Town as a permanent public record.

8. POSTING: The owner shall cause any permit issued to be conspicuously posted on the lot on which the activity may occur at a location clearly visible from the street.

9. APPEALS: Appeals from decisions of the CEO may be taken pursuant to the provisions of this Ordinance.

11.5. PLANNING BOARD APPLICATION REVIEW PROCEDURE

An application to and review by the Planning Board shall be required before beginning or undertaking any residential, commercial, institutional, or industrial activities as indicated pursuant to Section IV: Schedule of Land Uses.

1. APPLICATION: Ten (10) copies of all applications, including written materials, maps, and drawings, for a Planning Board review shall be submitted, with applicable fee, in writing to the town office on forms provided. In addition, the electronic submission of application materials is encouraged.

2. SUBMISSION: All applications for a Planning Board review shall be accompanied by a site plan, accurately drawn to 1" to 40' scale, and showing actual dimensions or distances, and also showing the following items. The Planning Board may require submissions to be prepared by a licensed architect or engineer for any non-residential buildings or multi-family buildings. The Planning Board may also require buffering plans to be prepared by a registered landscape architect. Surveys must be prepared by a licensed surveyor.

    a. Submission Requirements.
        i. Name of owner, and any agent or representative, with address, phone number, and email address for each;
        ii. Address, tax map and lot number of the parcel or parcels on which the project is located;
        iii. Boundaries of the tract of land;
        iv. Location and size of existing and proposed buildings, and other significant structures, and any structure to be moved or relocated, including use and proposed use thereof;
        v. Names and addresses of all property owners within five hundred (500) feet of the property's boundaries. For proposed Commercial, Institutional, Industrial, and Transportation and Utilities Activities, the names and addresses of any additional landowners within five

hundred (500) feet of the property's boundaries shall also be shown or otherwise referenced on the Site Plan, and the applicant shall notify by certified mail, return receipt requested, the abutters and other landowners within five hundred (500) feet about the project. Landowners shall be considered to be those on whom property taxes are assessed. The notice shall include, as a minimum, a brief description of the project, the expected date for filing the application at the town office, and that the application may be reviewed at the town office after that date. Evidence that these notices have been sent shall be included with the application. On a case-by-case basis, the Planning Board may identify other potentially interested parties to whom notice must be given, and may require notification of abutters and/or other landowners within five hundred (500) feet of applications for other types of land use activities. Failure to receive this notice by an individual owner or other potentially interested party shall not deem the application incomplete.

vi. Location of buildings on abutting properties and within one hundred (100) feet of the property line of the proposed development;

vii. Location of existing public streets;

viii. Location of proposed access drives to the lot from public streets;

ix. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas;

x. Location of existing and proposed pedestrian walkways, if applicable;

xi. Location and size of existing and proposed signage, and all permanent outdoor features;

xii. Location of existing and proposed utilities and easements therefor, including sanitary sewage, water, and electricity;

xiii. Location of existing natural drainage ways, waterbodies, and wetlands, and proposed storm drainage facilities, including dimensions of culverts, pipes and similar facilities;

xiv. Location of waterbodies and wetlands within two hundred and fifty (250) feet of the property boundary including the location of the normal high-water line of any water body;

xv. Location, intensity, type, size, and direction of all outdoor lighting;

xvi. Location and proposed use for areas proposed for outdoor recreation, if applicable;

xvii. Location and type of existing and proposed fences, hedges, and trees of twelve (12) inch diameter at four and one half (4.5) feet above ground level;

xviii. Contour lines at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled if deemed necessary by the Planning Board;

xix. Setback dimensions from property lines and center of road;

xx. Proposed landscaping and buffering; and

xxi. The name, registration number, and seal of the licensed professional who prepared the plan, if applicable.

b. The owner shall also provide:
   i. A general description of the project's proposed use or activity;
   ii. Evidence of the owner's technical and financial capability to complete the project as proposed;
   iii. Copy of property deed, option to purchase, or other documentation to demonstrate right, title, or interest in the property on the part of the owner;
   iv. Copies of existing and proposed easements, covenants, or deed restrictions;
   v. An estimate of daily and peak hour traffic to be generated by the project;
   vi. Exterior elevation plans of all proposed buildings or building expansions proposed;
   vii. The septic system design including a copy of form HHE-200 (Subsurface Wastewater Disposal System Plan);
   viii. A list of all State and Federal permits required for the project and the current application, approved permits, or approval status of each;
   ix. Photographs of the site; and
   x. Other materials to ensure compliance with the ordinance.

c. Unless directed otherwise for clarity by the Planning Board, all maps, plats, and plans shall be drawn to a scale of not more than 40 feet to the inch, or ¼" per foot for architectural plans.

3. WAIVER OF SUBMISSION REQUIREMENTS: The Planning Board may waive any of the submission requirements based upon a written request of the owner. A waiver of any submission requirement may be granted only if the Planning Board makes a finding that the information is not required to determine compliance with the standards of this Ordinance.

4. WAIVER OF REQUIREMENTS:

a. The Planning Board may waive requirements for lot coverage only upon making a finding that:
   i. The greater lot coverage does not have an adverse impact on neighboring properties as to aesthetics, stormwater control, or groundwater quality;
   ii. The lot coverage does not encroach upon setback requirements; and
   iii. The lot coverage increase does not conflict with any other parts of the Ordinance or the most recent comprehensive plan.

b. The Planning Board may waive requirements for noise standards for Industrial uses (only) upon making a finding that:

i. The noise level does not exceed 85 dBA measured at the property line;
ii. The increased noise level is not sustained or rhythmic in nature;
iii. The increased noise level does not occur before 6 AM or after 6 PM; and
iv. The increased noise level does not conflict with any other parts of the Ordinance or the most recent comprehensive plan.

5. TO WHOM ISSUED: A permit may not be granted except to the owner of record or his authorized agent. Written proof of authorization shall be required. All permits are public documents.

6. COMPLIANCE WITH LAND USE ORDINANCE: All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.

7. OFFICIAL DECISIONS AND INFORMAL DISCUSSIONS: The Planning Board may not render an official decision or an advisory opinion in the absence of a formal application for a permit from a prospective applicant. At the Planning Board's discretion, however, prior to the submission of a formal application for review, a prospective applicant or authorized agent may appear at a regular Planning Board meeting to discuss informally the proposed development.

   a. At such a meeting, the prospective applicant shall present a sketch plan and general description of the proposed development, showing what is being proposed.
   b. Binding commitments may not be made between the prospective applicant and the Planning Board at this stage. The purpose of the pre-application meeting shall be only to discuss what is proposed, what ordinances apply, and what the applicable ordinances allow without reference to the specific project. No vested interests shall attach or accrue to the prospective applicant as a result of any pre-application discussion with the Planning Board.

8. SITE VISIT: The Planning Board may schedule a fact-finding site visit before reviewing the application. The owner or owner's agent shall be informed and invited to be present.

9. COMPLETENESS DETERMINATION: Within thirty-five (35) days of the date of receiving a formal application, the Planning Board, at a scheduled public meeting, shall determine if the application is sufficiently complete to begin formal review, or, if incomplete, what additional information is needed to make the application complete. If the applicant(s) is not present at the meeting, the Planning Board will request that the CEO notify the applicant(s) in writing of the results of the completeness determination. If the application is incomplete, the notification shall specify the additional information that is needed.

10. PUBLIC HEARING: Within a maximum of thirty-five (35) days after an application for a Land Use Permit has been deemed complete by the Planning Board, and before taking

action thereon, the Planning Board may hold a public hearing on the application. Notice of this hearing shall be published in a local newspaper at least ten (10) days in advance of this hearing. A notice of this hearing shall be sent by certified mail to each landowner abutting the parcel involved. Landowners shall be considered to be those on whom property taxes are assessed. Failure of any landowner to receive a notice of public hearing shall not necessitate another hearing nor invalidate any action of the Planning Board. Responsibility for such notification shall be assumed by the CEO. The owner shall bear all associated costs of advertisements and notifications. The purpose of the public hearing shall be to receive input from the general public relative to the applicable sections of the review standards.

11. PLANNING BOARD REVIEW AND ACTION: Within thirty-five (35) days after the public hearing, if held, in which the permit application is reviewed, or, within forty-five (45) days after the application has been deemed complete by the Planning Board, the Planning Board shall provide written documentation to the CEO of its decision to approve, approve with conditions, or deny approval of the application.

    The CEO shall inform the owner of the Planning Board's decision in writing, and in cases of disapproval or approval with conditions, the reasons for such action shall be stated. A copy of the Board's decision shall be retained by the Town as a permanent public record. For permits requiring Planning Board review, a Land Use or Building Permit shall not be issued by the CEO unless the Planning Board has approved the application or approved it with conditions. A copy of the decision shall be retained by the Town as a permanent public record. Any conditions accompanying the Planning Board's approval shall be included on the Permit.

12. COPIES: One (1) copy of the application, the written decision of the Planning Board, and the CEO's permit, if applicable, shall be returned to the owner, and one (1) copy of the same shall be retained by the Town as a permanent public record.

13. POSTING: The owner shall cause any permit issued to be posted on the lot on which the activity may occur at a location clearly visible from the street.

14. APPEALS: Appeals of decisions made by the Planning Board or the CEO may be made pursuant to the provisions of this Ordinance.

11.6. OTHER REQUIREMENTS BEFORE APPROVAL

1. OTHER PERMITS: Applications for approval may not be considered complete for processing until all other required municipal, State, and Federal permits have been secured and evidence that they have been secured has been provided to the reviewing authority unless State or Federal regulations require local approval first.

2. TAXES: A permit may not be considered until all taxes due to the Town on the owner's subject lot/premises have been paid in full.

11.7. POSITIVE FINDINGS REQUIREMENT

Approval of an application shall be granted by the CEO or Planning Board and a permit issued by the CEO only upon a positive finding by the reviewing authority that the proposed use:

a. Pollution. The proposed project may not result in undue water or air pollution. In making this determination, it shall at least consider:

   i. The elevation of the land above sea level and its relation to the flood plains;
   ii. The nature of soils and subsoils and their ability to adequately support waste disposal;
   iii. The slope of the land and its effect on effluents;
   iv. The availability of streams for disposal of effluents; and
   v. The applicable state and local health and water resource rules and regulations.

b. Sufficient water. The proposed project has sufficient water available for the reasonably foreseeable needs of the subdivision;

c. Municipal water supply. The proposed project may not cause an unreasonable burden on an existing water supply, if one is to be used;

d. Erosion. The proposed project may not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

e. Traffic. The proposed project may not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed project requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

f. Sewage disposal. The proposed project may provide for adequate sewage waste disposal and may not cause an unreasonable burden on municipal services if they are utilized;

g. Municipal solid waste disposal. The proposed project may not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

h. Aesthetic, historic, cultural, and natural values. The proposed project may not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

i. Conformity with local ordinances and plans. The proposed project conforms with this ordinance, and the town’s comprehensive plan.

j. Financial and technical capacity. The applicant has adequate financial and technical capacity to meet the standards of this section;

k. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed project may not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;

l. Ground water. The proposed project may not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

m. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the proposed development is in a flood-prone area. If the proposed development, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the lot. The proposed project must include a condition of plan approval requiring that principal structures on the lot may be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

n. Freshwater wetlands. All freshwater wetlands within the proposed development have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

o. Farmland. All farmland within the proposed lot has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district;

p. River, stream or brook. Any river, stream, or brook within or abutting the proposed development has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, MRSA section 480-B, subsection 9;

q. Stormwater. The proposed development may provide for adequate stormwater management;

r. Lake phosphorus concentration. The long-term cumulative effects of the proposed development may not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

s. Impact on adjoining municipality. For any proposed plan that crosses municipal boundaries, the proposed plan may not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

11.8. VIOLATION

Violation of the terms and conditions of this Ordinance shall be corrected within thirty (30) days of receipt of Notice of Violation, unless an extension of time is granted by the CEO. A violation shall void all permits.

11.9. COMMENCEMENT AND COMPLETION OF WORK

Construction and alteration activities for commercial, industrial, and institutional uses for which approval has been granted shall substantially commence within twelve (12) months of the date of permit issuance and shall be substantially completed within twenty-four (24) months of the date of permit issuance. These time requirements may be extended for good cause such as conditions beyond the control of the permit holder, upon application by the permit holder to the CEO.

11.10. PERMIT EXPIRATION

Unless these time requirements are extended by the CEO, permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, one additional year is allowed to complete the project, at which time the permit shall expire.

11.11. CERTIFICATE OF OCCUPANCY REQUIREMENT

1. After a building, structure, or part thereof has been erected, enlarged, or moved, or undergone alteration, pursuant to approval under this Ordinance, a Certificate of Occupancy shall be obtained from the CEO for the proposed use before the same may be occupied or used.

2. For projects involving the construction of more than ten thousand (10,000) square feet of gross floor area or twenty thousand (20,000) square feet of impervious surface, the applicant shall provide the CEO with a set of construction plans showing the building(s) and site improvements as actually constructed on the site. These "as-built" plans shall be submitted by a licensed professional prior to issuance of a Certificate of Occupancy.

3. Before the issuance of the Certificate of Occupancy, the CEO shall determine that the proposed use of the building, facility, and/or land conforms to the requirements of all applicable Town ordinances, State and Federal laws and regulations, and any conditions of approval imposed on the project. Occupancy without the required certificate shall be deemed to be a violation of this Ordinance and subject to enforcement action as provided in Section 11.11.

4. A copy of each issued Certificate of Occupancy and the as-built plan if applicable, shall be retained by the Town as a permanent public record.

11.12. ENFORCEMENT

1. NUISANCES: A violation of this Ordinance shall be deemed to be a nuisance.

2. CODE ENFORCEMENT OFFICER: The CEO shall enforce the provisions of this Ordinance. If the CEO finds that any provision of this Ordinance is being violated,

he/she shall notify in writing by certified mail the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be retained by the Town as a permanent public record.

3. LEGAL ACTIONS: When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the CEO, may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance.

4. FINES: Any person who continues to violate provisions of this Ordinance after receiving notice of such violation may be liable for civil penalty up to the maximum of $2,500.00 for each violation. Each day the violation continues shall constitute a separate violation as referenced in 30-A M.R.S.A., Section 4452. The violator liable for each offense may be ordered to correct or abate a violation, and may be liable for the Town's attorney's fees, witness fees, and costs.

11.13. APPEALS

See the Board of Appeals Ordinance, enacted on April 14, 2004, and as amended.

11.14. FEE SCHEDULE

Application fees for permits shall be paid to the Town in accordance with the fee schedule as established by the Selectmen. Fees shall be for the cost of processing the permits and are not refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance, and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the owner.

SECTION XII: DEFINITIONS

12.1. CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms or words should be interpreted as follows:

- The word "person" includes an individual, corporation, governmental agency, municipality, trust, estate, partnership, firm, association, company, organization, two or more individuals having a joint or common interest, or other legal entity.
- The present tense includes the future tense, the singular number includes the plural and plural includes the singular.
- The word "shall" is mandatory.
- The word “may" is permitted, discretionary, or optional.
- The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied.”
- The word "dwelling" includes the word "residence."
- The masculine gender shall include the feminine and neuter genders.
- The words “Town” and “municipality” shall mean the Town of Bremen.
- The word “Selectmen” shall mean the Town’s Board of Selectmen.
- In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

12.2. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

ABUTTING: Having a common border with, or being separated from such common border by an alley, easement, or water body.

ABUTTING PROPERTY OR ABUTTER: Any lot that is physically contiguous with the subject lot even if only at a point and any lot that is located directly across a street, right-of-way, or water body from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

ACCESS: A means of approach or entry to or exit from property for vehicles.

ACCESS ENTRANCE: An access serving one of the following land uses: residential uses or developments serving three or more dwelling units, or, industrial, commercial, and institutional uses.

ACCESSORY STRUCTURE: See **STRUCTURAL TERMS.**

ACOUSTIC: The use of musical instruments or vocals not having electrical amplification

ACRE: A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

AFFORDABLE HOUSING DEVELOPMENT*: Affordable housing development means:

1. For rental housing, a development in which a household whose income does not exceed eighty percent (80%) of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units without spending more than thirty percent (30%) of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed one hundred twenty percent (120%) of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units without spending more than thirty percent (30%) of the 36 household's monthly income on housing costs.
3. For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.
4. For purposes of this definition, "housing costs" include, but are not limited to:
   a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
   b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

*A dwelling unit located within an Affordable Housing Development cannot be used as a **SHORT-TERM RENTAL**, as defined in this Ordinance. Affordable Housing Developments are also likely subject to subdivision review.

AGGRIEVED PERSON: A person whose interests may be damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

AGRICULTURAL ACTIVITY: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure, liming, planting, pesticide application, harvesting of cultivated crops, management of livestock, and other similar or related activities, but not the construction, creation, or maintenance of land management roads.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another. This activity excludes normal maintenance or normal repairs of a building or structure.

ANCHORAGE AREA: An area of the harbor set aside for the mooring of vessels.

APPEAL: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant, or, animal species.

APARTMENT BUILDING: See **STRUCTURAL TERMS.**

ARCHAEOLOGICAL/HISTORIC SITE/STRUCTURE: A site or structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the US Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the US Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the US Secretary of the Interior to qualify as a registered historic district.

(3) Individually listed on a State inventory of historic places in States with historic preservation programs that have been approved by the US Secretary of the Interior.

(4) Individually listed on an inventory of historic places in communities with historic preservation programs that have been certified either: (a) by an approved State program as determined by the US Secretary of the Interior; or

(b) directly by the US Secretary of the Interior in States without approved programs.

AREA MEDIAN INCOME: Income that is at the midpoint of the Lincoln County region's income distribution calculated on an annual basis by the Maine State Housing Authority. (Revised effective June 8, 2022)

ARTERIAL: A controlled access road or a street or road with traffic signals at important intersections and/or stop signs on side roads or a road that is functionally classified by the Maine DOT as an arterial.

ATTACHED: A building connected by a shared wall or roof to the principal structure or having physically connected finished spaces.

ATTIC: That part of a building that is immediately below, and wholly or partly within, the roof framing.

BASAL AREA: The area of cross-section of a tree stem four and one half (4.5) feet above ground level and inclusive of bark.

BASE DENSITY: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in Section 5.1. **DIMENSIONAL STANDARDS** of this Ordinance.

BASEMENT: The substructure of a building that is partially or wholly below ground level that may or may not be used for living spaces.

BED AND BREAKFAST: Accommodations provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of four (4) guest rooms. Breakfast is the only meal, if any, to be provided.

BERTH: The place where a vessel lies when at a wharf or pier.

BOAT LAUNCHING FACILITY: A facility designed primarily for the launching and landing of watercraft and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

BUFFERS: Areas of land, together with specified types and amounts of planting thereon and any structures that may be required between land uses to eliminate or minimize conflicts between them.

BUILDING: A structure having a roof supported by posts, columns or walls. See also, **STRUCTURAL TERMS.**

BUILDING FOOTPRINT: See **STRUCTURAL TERMS.**

BUILDING FRONT LINE: See **STRUCTURAL TERMS.**

BUILDING HEIGHT: See **STRUCTURAL TERMS.**

BUREAU OF FORESTRY: A Bureau of the Maine State Department of Agriculture, Conservation and Forestry.

CAMPGROUND: Any area or tract of land or a premise established for commercial use to accommodate two (2) or more parties for temporary camping or living quarters, including, but not limited to tent sites, lean-tos, seasonal cabins or similar structures, and sites for recreational vehicles. It does not include an **INDIVIDUAL PRIVATE CAMPSITE** as defined herein.

CAMPSITE: A site for tent camping or a recreational vehicle site in a campground.

CANOPY: The more or less continuous cover formed by tree crowns in a wooded area.

CENTRALLY MANAGED WATER SYSTEM: A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty

(60) days a year as regulated by 10-144C.M.R. Ch 231, Rules Relating to Drinking Water. This water system may be privately owned.

CERTIFICATE OF OCCUPANCY: Official certification that a premises conforms to provisions of this Ordinance, the Electrical Code, Subsurface Waste Disposal regulations, Plumbing Code, Americans with Disabilities Act (ADA), Life Safety Code 101, and National Fire Protection Association (NFPA) 31, and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

CHANNEL: An area of waterway kept clear of moorings or other obstructions to allow the free passage of vessels.

CLAM HARVEST LICENSE: A Clam Harvest License issued by the Town.

CLAMS: Softshell clams, Mya arenaria.

COASTAL BLUFF: A steep shoreline slope formed in sediment (loose material such as clay, silt, sand, and gravel) that has three feet or more vertical elevation just above the high-tide line.

COASTAL WETLAND: See **WETLAND.**

CODE ENFORCEMENT OFFICER (CEO): A person certified under this section and employed by the town of Bremen to enforce all applicable laws and ordinances in the following areas:

A. Shoreland zoning under MRSA Title 38, chapter 3, subchapter 1, article 2-B;
B. Comprehensive planning and land use under Part 2, Subpart 6-A;
C. Internal plumbing under MRSA chapter 185, subchapter 3;
D. Subsurface wastewater disposal under MRSA chapter 185, subchapter 3; and
E. Building standards under MRSA chapter 141; chapter 185, subchapter 1; Title 5, sections 4582-B, 4582-C and 4594-F; beginning June 1, 2010, Title 10, chapter 1103; and Title 25, chapter 313, respectively.

COMMERCIAL VESSEL: A vessel that generates income and is registered as commercial.

COMPARABLE SEWER SYSTEM: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch.241, *Subsurface Wastewater Disposal Rules*.

COMPREHENSIVE PLAN: The most recently adopted Town of Bremen Comprehensive Plan.

CONGESTED AREA, HARBOR: Those areas that are determined by the Harbormaster and confirmed and designated by the Harbor Committee to be approaching or to have reached saturation of available mooring space.

COLLECTOR STREET: A street that collects traffic from local roads and connects with arterials or a street or road functionally classified as a collector by the Maine DOT.

COMMERCIAL USE: The use of lands, buildings, or structures, other than a **HOME OCCUPATION** or **LOW IMPACT BUSINESS**, the intent and result of which is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units unless there are three or more dwelling units on a lot. See also **INDUSTRIAL USE**.

CRIBBING: An open ballasted framework of wood, metal, or concrete in the water to support a structure and permanently affixed to the bottom.

CROSS-SECTIONAL AREA: The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight-line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

CURB CUT: The opening along the curb line or street right-of-way line at the point where vehicles may enter or leave the street.

DAY CARE CENTER: A building or place in which a person or combination of persons maintains or otherwise carries out a regular program, as may be required for licensure under state and/or federal regulations, for consideration, for any part of a day, providing care and protection for three (3) or more persons unrelated to the operator, but shall not include nursery schools, summer camps, or formal public or private schools.

DbA: Sound levels measured in decibels on the A-weighted scale that adjusts the frequencies of unweighted decibel levels to represent the relative loudness of sounds in air as perceived by the human ear.

DBH: The diameter of a standing tree measured four and one half (4.5) feet from ground level. See also, BASAL AREA.

DMR: State of Maine Department of Marine Resources.

DENISTY REQUIREMENTS: The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

DESIGNATED GROWTH AREA: The area that is designated in the Town of Bremen Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. As of July 1, 2024, Bremen does not have a Designated Growth Area.

DEVELOPMENT: A change in land use involving alteration of the land, water, or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for development, including the holder of an option or contract to purchase.

DIMENSIONAL REQUIREMENTS: The requirements which govern the size and placement of structures including, but not limited to, the following requirements: 54, /structure height, lot area, minimum shore frontage, setbacks, and lot depth.

DISABILITY: As defined in the ADA.

DISRUPTION OF SHORELINE INTEGRITY: The alteration of the physical shape, properties, or condition of a shoreline at any location. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

DOCK: See **PIER**.

DRAINAGE: The removal of surface or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation or alleviation of flooding.

DRIVEWAY: A vehicular access-way serving up to two single-family dwellings or one two-family dwelling.

DWELLING: See **STRUCTURAL TERMS**.

EARTH: Soil, loam, peat, clay, sand, gravel, rock, and stone or other mineral or organic deposits, other than vegetation, in, on, or from the land, wetlands, or water bodies.

EARTH MOVING ACTIVITY: Activity involving the moving of earth. Moving means the removal and movement of earth from one place to another; it includes ancillary activities such as: lagooning, dredging, excavation, filling, and grading.

LARGE or LARGE SCALE EARTH MOVING: Large and large scale means earth extraction, movement, and uses involving more than five thousand (5,000)

cubic yards of earth and involving a total surface alteration or disturbance of more than five (5) acres. When applied to ledge mining, large scale means more than one thousand (1,000) cubic yards of ledge.

SMALL or SMALL SCALE EARTH MOVING: Small and small scale means earth extraction, movement, and uses involving less than five thousand (5,000) cubic yards of earth and involving a total surface alteration or disturbance of less than five (5) acres. When applied to ledge mining, small scale means one thousand (1,000) cubic yards of ledge.

EARTH PROCESSING: Combining earth with substances designed to make an aggregate such as asphalt or concrete.

EASEMENT: Legally binding authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

EMERGENCY OPERATIONS: Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property, and livestock from fire or other threats of destruction or injury.

ESSENTIAL SERVICES: Gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but they shall not include service drops or buildings that are necessary for the furnishing of such services.

ENLARGEMENT OR EXPANSION OF A STRUCTURE: See **STRUCTURE, EXPANDED.**

ENLARGEMENT OR EXPANSION OF USE: See **USE, EXPANDED USE.**

EVENT TENT: A **TENT** intended to be used to provide shelter for persons, animals, goods, or property of any kind during a specific, time-limited event such as, but not limited to: weddings and other family or community celebrations, or outdoor fund raising or sales events.

EXTENSION OR TO EXTEND: An increase in the amount of existing floor area used for an existing use within an existing building. To extend is to make an extension.

EXTRACTION: See **EARTH MOVING ACTIVITY**.

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping

unit.

FIREBREAK: An area containing shade trees or ornamental shrubs that do not provide a means of transmitting fire from native vegetation to buildings.

FISHERIES, SIGNIFICANT FISHERIES: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources as having significant value as fisheries and any areas so identified in the municipality's comprehensive plan.

FLOAT: A floating structure, other than a vessel, normally used as a point of transfer for passengers, fishing gear, or other goods and not designed for self-propelled navigation.

FLOODWAY: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

FLOOR AREA: Moved to **STRUCTURAL TERMS**.

FOREST MANAGEMENT ACTIVITIES: Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads.

FORESTED WETLAND: See **WETLAND**.

FOREST STAND: A contiguous group of trees sufficiently uniform in age, class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost wall, or other base consisting of concrete, block, brick, stone, or similar material.

FRATERNAL ORDER OR SOCIAL CLUBS: Any voluntary association of persons organized for fraternal, social, religious, benevolent, recreational, literary, patriotic, scientific, or political purposes whose facilities are open to members but not the general public and which is principally engaged in activities that are not customarily carried on for pecuniary gain.

FRESHWATER WETLAND: See **WETLAND**.

FRONTAGE, SHORE: See **SHORE FRONTAGE**.

FRONTAGE, STREET: The horizontal distance between the intersections of the side lot lines with the front lot lines.

GARAGE, RESIDENTIAL: An accessory building for parking or temporary storage of motor vehicles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings.

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

GREAT POND CLASSIFIED GPA: Any great pond classified GPA, pursuant to 38 M.R.S.A., Article 4-A, Section 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

GROUND COVER: Small plants, fallen leaves, needles, and twigs, and the partially decayed organic matter of the forest floor.

GROUNDWATER: Water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

GROUNDWATER PROTECTION OVERLAY ZONE: Any mapped area designated as a zone for the protection of the groundwater resources.

GUEST ROOM: A room in a hotel, motel, tourist home, or bed and breakfast residence offered to the public for compensation in which no provision is made for cooking.

HABITABLE: Area within a structure that is intended to provide living space by incorporating, as a minimum, controlled temperature, lighting, flooring, and walls consistent with other portions of the structure used for human occupation.

HARBORMASTER: That person appointed by the Selectmen pursuant to 38 M.R.S.A., Section 1, as may be amended, and the most recent Bremen Harbor Ordinance.

HARVEST AREA, TIMBER: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than ten (10) acres within the area affected by a harvest.

HARVEST, CLAMS: Harvest means to take, gather, remove, hold, pick, transport, or in any other or similar way or by any other or similar means harvest clams at, on, or in the clam producing areas of the Town, whether or not for the purpose of sale. Harvest also

means to be in, on, or about any clam producing area of the Town while in possession of the tools or implements ordinarily or traditionally associated with the harvesting of clams.

HISTORIC OR ARCHAEOLOGICAL RESOURCES: Areas identified by a government agency, such as the Maine Historic Preservation Commission, as having significant value as an historic or archaeological resource and any areas identified in the comprehensive plan.

HOME OCCUPATION: A business, profession, occupation, or trade conducted for financial gain and located entirely on a residential lot in which the activity is accessory, incidental, and secondary to the use for dwelling purposes, and does not change the residential character or appearance of such building or lot.

HOUSING: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family, two-family and multifamily housing, condominiums, time-share units, and apartments.

IMPERVIOUS SURFACE: The area covered by buildings and associated constructed facilities, areas that have been or may be covered by a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas, that have been or may be compacted through design or use to reduce their permeability. Common impervious surfaces include, but are not limited to, clay, asphalt, concrete, or stone materials, as well as roof tops, or other surfaces that similarly impede the natural infiltration of stormwater.

INDIVIDUAL PRIVATE CAMPSITE: An area of land which is not associated with a campground, and is not operated as a commercial use, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to clearing of trees, a gravel pad, parking area, fire place, or tent platform.

INDUSTRIAL: Use of premises for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations, and repair shops.

INSTITUTIONAL: A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, or structure or land used for public purposes.

JUNKYARDS:

> **JUNKYARD**: A yard, field or other area used as a place of storage for discarded worn-out, or junked plumbing, heating supplies, household appliances, furniture, scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel, and other ferrous and non-ferrous material, including garbage dumps, waste dumps, and sanitary landfills.

MOTOR VEHICLE (AUTOMOBILE) GRAVEYARDS: A yard, field or other area used as a place of storage for three (3) or more unserviceable, discarded, worn-out, or junked motor vehicles.

KENNEL, BREEDING: A place in or at which any number of dogs or cats is kept for the purpose of sale or in connection with boarding, care, training, or breeding, for which a fee is charged.

LAND USE PERMIT: A permit for proposed land use activity as defined in this Ordinance and issued by the CEO in accordance with the provisions of this Ordinance.

LAND MANAGEMENT ROAD, TIMBER HARVESTING: A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

LAUNCHING RAMP: Surface used for boat access to and from water.

LICENSED FORESTER: A forester licensed under Title 32 M.R.S.A., Chapter 76.

LICENSEE, CLAM HARVESTER: A holder of any Clam Harvest License issued under the terms of the Clam Conservation Ordinance.

LIGHT MANUFACTURING: The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting, or otherwise shaping of the processed materials into useful objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber, or rubber.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and that abuts upon a street, alley, or other appropriate means of access.

LOCAL STREET: A public street or road that is not identified by the state as an arterial or collector. A local street includes a proposed street shown on an approved and recorded subdivision plan.

LOT: A parcel or plot of land in private or public ownership, described on a deed, plat, or similar legal document.

LOT AREA: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

LOT, CORNER: A lot abutting two or more streets at their intersection. Corner

lots have two or more front setbacks, and two or more side setbacks.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT FRONTAGE: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum road frontage required by the Ordinance shall be provided, on at least one roadway.

LOT LINE: A line bounding a lot that divides one lot from another, or from a street or any other public or private space.

LOT OF RECORD: Any validly recorded lot that at the time of its recording complied with all applicable laws, ordinances, and regulations.

LOT STANDARDS: The combination of controls that establishes the maximum size of a structure and its location. Components of lot standards, also known as space and bulk regulations in size and height of structure; location or exterior walls at all levels with respect to lot lines, streets, and other structures; structure coverage; gross floor area of structures in relation to lot area; setback requirements; and amount of lot area provided per dwelling unit.

LOT WIDTH, MINIMUM: The closest distance between the side lot lines of a lot.

LOW IMPACT BUSINESS: A business, profession, occupation, or trade that is conducted for financial gain, and that does not change the rural and/or residential character of the neighborhood.

LOW INCOME: Family income which is between fifty percent (50%) and eighty percent (80%) of median family income for Lincoln County as established by the Maine State Housing Authority. (Revised effective June 8, 2022)

MANUFACTURED HOUSING: See MRS Title 30-A Section 4358 for definitions and requirements for **MANUFACTURED HOUSING, MODULAR HOMES, NEWER MOBILE HOME, AND OLDER MOBILE HOME**.

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

MARINE FACILITY: See **MARINA**.

MARKET VALUE: The estimated price a property may bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer,

both conversant with the property and with prevailing general price levels.

MEAN HIGH WATER MARK: The point of the average height of high-water over a nineteen (19) year period.

MEAN LOW WATER MARK: The point of the average height of low-water over a nineteen (19) year period.

MEDICAL CLINIC: A building used by members of the medical profession for the diagnosis and out-patient treatment of human ailments.

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

MINERAL EXTRACTION: Any operation within any twelve (12) month period that removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed, away from the extraction site. See also, EARTH MOVING ACTIVITY.

MOBILE HOME, See **MANUFACTURED HOUSING: NEWER MOBILE HOME and OLDER MOBILE HOME.**

MOBILE HOME PARK: A parcel of land under unified ownership approved by the Town for the placement of three (3) or more mobile homes.

MOBILE BOAT HOIST: A commercial straddle-type mobile hoist and associated structures and devices used for moving boats and other objects in and out of the water, including attached floats and ramps.

MOTOR VEHICLE: A vehicle that is self-propelled and designed for carrying persons or property.

MOTOR VEHICLE RECYCLING FACILITY: A business that purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, rebuilding, or repairing salvage vehicles for resale. (See 30-A M.R.S.A., Section 3752.)

MOTOR VEHICLE REPAIR SERVICE: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, over-all painting and undercoating of motor vehicles.

MOTOR VEHICLE SALES: A lot arranged, designed, or used for the storage and display for sale of motor vehicles and where no repair work is done except

minor incidental repair of motor vehicles or trailers displayed and sold on the premises.

MOTOR VEHICLE, UNSERVICEABLE: Any motor vehicle that is wrecked, dismantled, unable to be operated, or that is not being used for the purposes for which it was manufactured.

MULTI-UNIT RESIDENTIAL: See **STRUCTURAL TERMS**.

MUNICIPAL FACILITIES: A building or land that is owned by a public entity and operated under its supervision for a public purpose.

NATIVE: Indigenous to the land or local waters.

NATURAL AREAS AND NATURAL COMMUNITIES, UNIQUE NATURAL AREAS AND NATURAL COMMUNITIES: Areas identified by a governmental agency such as the Maine Department of Agriculture, Conservation and Forestry Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's comprehensive plan.

NATURAL LANDSCAPING: Landscaping composed primarily of organic materials or vegetation indigenous to the area.

NON-CONFORMING:

NON-CONFORMING CONDITION: Non-conforming lot, structure, or use that is allowed solely because it was in lawful existence at the effective date of adoption or amendment of the relevant ordinance.

NON-CONFORMING LOT: A lot of record that, at the effective date of adoption or amendment of the relevant ordinance, does not meet the area requirements of that ordinance.

NON-CONFORMING STRUCTURE: A structure that does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but that is allowed solely because it was in lawful existence at the effective date of adoption or amendment of the relevant ordinance.

NON-CONFORMING USE: Use of 6s, structures, premises, land, or parts thereof that is not allowed where it is situated, but that is allowed to remain solely because it was in lawful existence at the time the relevant Ordinance or subsequent amendments took effect.

NORMAL HIGH-WATER LINE (NON-TIDAL WATERS): That line that is apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation, and that distinguishes between predominantly aquatic and

predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. For tidal waters, see **WETLAND: COASTAL WETLAND.**

NORMAL MAINTENANCE AND REPAIR: Work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance, and repair shall not include reconstruction, and change in design, structure, use, location, size, or capacity.

OWNER: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

PARCEL: The entire area of a tract of land before being divided by a development.

PARKING LOT: An open area other than a street used for the parking of motor vehicles and available for public use whether free, for compensation, or an accommodation for clients or customers.

PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size to store one motor vehicle together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that motor vehicle without the necessity of moving any other motor vehicle.

PERFORMANCE STANDARD: A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria that must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety, and welfare of citizens of the Town.

PERSON: An individual, corporation, governmental agency, municipality, trust, estate, partnership, firm, association, company, organization, two or more individuals having a joint or common interest, or other legal entity.

PIERS, DOCKS, WHARVES, BRIDGES, AND OTHER STRUCTURES: A seasonal or permanent platform-type structure, beginning on or adjacent to the shoreline and built over the water or beyond the high-water line or within a wetland.

1. **Seasonal:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months, and are supported by pipes or other posts or legs that are not driven into the bottom of a waterbody or wetland. All portions or components of a seasonal structure shall be removed from over or below the normal high water line for at least five (5) months of any calendar year.
2. **Permanent:** Structures which remain in or over the water or wetland for

seven (7) months or more in any period of twelve (12) consecutive months, and also can be supported by cribbing or pilings driven into the bottom. If any portion of the structure is permanently fixed to the shoreline or driven into the bottom of a waterbody or adjacent upland of a wetland and is not removed for at least five (5) months of any calendar year, then the entire "system," consisting of both permanent and seasonal components, is considered permanent for purposes of permitting under the provisions of this Ordinance.

PILING: A rigid shaft of metal, wood, concrete, or plastic located in water and permanently affixed to the bottom.

PLACE OF WORSHIP: A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; and/or a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

PLATFORM RAMP: A projection from a wharf or pier to which a ramp is attached.

POTABLE: Water safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six (6) different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 17 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.

PROFESSIONAL OFFICE: An office of a professional (or group of professionals) such as architects, accountants, dentists, doctors, lawyers, etc.

PUBLIC FACILITY: A facility, including but not limited to buildings, property, recreation areas, and roads, that are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

QUORUM: A majority of the members of a board, committee, or commission required to be present before any valid business can be transacted.

RAMP: A connector between a float or pier, wharf or other bulkhead for access to the water.

RECENT FLOODPLAIN SOILS: The following soil series as described and identified by the National Cooperative Soil Survey:

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

RECHARGE AREA: An area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

RECREATIONAL VEHICLE (RV): A vehicle that is either self-propelled or designed to be towed by a motor vehicle and that provides temporary living quarters for recreational, camping or travel purposes. In order to be considered as a vehicle and not a structure, the unit must remain roadworthy with its tires on the ground, comply with all applicable federal and state vehicle regulations, and not require special highway movement permits to legally use the highways. Examples of recreational vehicles are motor homes, travel trailers, fifth-wheel trailers, pick-up truck campers and folding camping trailers. **MANUFACTURED HOUSING** (i.e., mobile homes) are not considered **RECREATIONAL VEHICLES**.

REPLACEMENT SYSTEM, OVERBOARD DISCHARGE: A system intended to replace: 1.) an existing system that is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

RESIDENTIAL DWELLING UNIT: See **STRUCTURAL TERMS.**

RESIDENTIAL GROWTH CAP PERMIT: A permit to allow the establishment of a new, year-round dwelling unit to or in an existing structure or as a new stand-alone structure, in accordance with the Town of Bremen Residential Growth Cap Ordinance.

RESIDUAL: Materials (including but not limited to pulp and paper mill wastewater treatment plan sludge, food and fiber processing wastes, municipal wastewater treatment plant sludge, vegetable and fish processing residuals, and wood ash) generated from municipal, commercial, or industrial facilities that are suitable for controlled land application and result in vegetative assimilation and improved soil conditions.

RESIDUAL BASAL AREA: The average of the basal area of trees remaining on a harvested site.

RESIDUAL STAND: A stand of trees remaining in the forest following timber harvesting and related activities

RESTAURANT: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state.

RESTRICTIVE COVENANT: A provision in a deed, or other covenant conveying real property, restricting the use of the land.

RETAIL STORE: Any business engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

REVIEWING AUTHORITY: The Planning Board or Code Enforcement Officer as indicated in Section IV: Schedule of Land Uses.

RIPRAP: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

RIVER: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth. The portion of a river that is subject to tidal action is a coastal wetland.

ROAD: A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

> **PRIVATE ROAD**: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.
>
> **PUBLIC ROAD**: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

SALT MARSH: Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

SALT MEADOW: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

SEASONAL USE: The use of a structure for less than seven (7) months in any period of twelve (12) consecutive months.

SELECTMEN: The Board of Selectmen of the Town, also known as Selectpersons, or Select Board. Municipal officers as defined in 1 M.R.S.A., Chapter 3 Section 72 include Selectmen.

SERVICE DROP: Any utility line extension, whether above-ground or underground, that does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service, the placement of wires and/or the installation of

utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way.

2. In the case of telephone service, the extension, regardless of length, may be made by the installation of telephone wires to existing utility poles.

SETBACK: The minimum distance from the edge of the lot line to the nearest part of a structure.

SETBACK, FRONT: An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the front property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, REAR: An open area extending the entire width of a lot from lot sideline to lot sideline and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, SHORELINE: The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

SETBACK, SIDE: An open area extending along each sideline of a lot between the front setback and the rear setback on such lot and extending at a right angle from the sidelines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SHORE FRONTAGE: The length of a lot bordering on a water body or wetland measured along the shoreline between the intersections of the lot lines with the shoreline.

SHORELAND ZONE: See the Shoreland Zoning Ordinance.

SHORELINE: The normal high-water line, or upland edge of a freshwater wetland or coastal wetland.

SHORT-TERM RENTAL: A portion, or the entirety of, a parcel of land or structure that is intended to be rented out commercially to a non-family member for less than one-hundred and eighty (180) consecutive days.

SIGNAGE: A structure, display, logo, writing, device, or representation that is designed or used to announce, display, advertise, promote, identify, name, or call attention to any structure, person, business, activity, or place or to warn of prohibited activities and that is visible from a public way.

AREA OF A SIGN: The exposed surface of the sign including all ornamentation, embellishment, background, and symbols.

FREE-STANDING SIGN: A sign supported by one or more uprights or braces permanently affixed.

PORTABLE SIGN: A sign not designed or intended to be permanently affixed into the ground or to a structure.

PROJECTING SIGN: A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

ROOF SIGN: A sign that is attached to a building and is displayed above the eaves of such building.

SIGN ITEMS: Device, model, banner, pennant, insignia, flag, or other representation that is used as, or is in the nature of, an advertisement, announcement, or direction.

TEMPORARY SIGN: A sign of a temporary nature, erected for fewer than ninety (90) days, exemplified by the following: political poster, charitable sign, construction sign, carnival sign, garage sale sign, lawn sale sign, rummage sale sign, and any sign advertising sales of personal property, and a for rent sign.

WALL SIGN: A sign painted on, or attached parallel to, the wall surface of a building and projecting therefrom not more than six (6) inches.

WINDOW SIGN: Any on-premises, non-temporary sign visible from the exterior of the building or structure that is permanently painted, attached, glued, or otherwise affixed to a window.

SIGNIFICANT TRAFFIC INCREASE: An increase in the use of public roads from the entry and exit of heavy trucks and other heavy equipment to public roads from private property that occurs more than thirty (30) times in a twenty-four (24) hour period.

SIGNIFICANT WILDLIFE HABITAT: An area identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as a habitat for animals and any areas identified in the municipality's comprehensive plan.

SKID ROAD OR SKID TRAIL: A route repeatedly used by forwarding machinery or animals to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

SLOPE: The grade as measured in a straight line in any direction through any part of the structure, beginning and ending one hundred (100) feet from the intersections of the line with the exterior of the structure.

SLUDGE: Any solid, semisolid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. Sewage sludge includes, but is not limited to,

solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge. Sewage sludge use or disposal practice means the collection, storage, treatment, transportation, processing, monitoring, use, or disposal of sewage sludge.

SOFT-SIDED STORAGE UNIT: A temporary or permanent structure that is placed on or over the ground, the primary purpose of which is to provide shelter for animals, goods, or property of any kind, but not people. A **SOFT-SIDED STORAGE UNIT** typically made from natural or synthetic materials or plastic, and is supported by poles, tubing or piping. A **SOFT-SIDED STORAGE UNIT** may not have a floor or installed plumbing or electricity; however, the temporary provision of water or electricity by such means as a hose or extension cord from a source outside the unit is allowed.

STREAM: A channel between defined banks created by the action of surface water and has two (2) or more of the following characteristics:

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
B. It contains or is known to contain continuously flowing water for a period of at least 6 months of the year in most years.
C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material, or bedrock that has been deposited or scoured by water.
D. The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.
E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

STRUCTURE: Anything temporarily or permanently located, built, constructed, fabricated, or erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fencing and poles, wiring and other aerial equipment normally associate with service drops as well as guying and guy anchors. The term includes structures such as decks, patios, garages, and greenhouses. Structure does not include subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8. See also: STRUCTURE, EXEMPTED.

STRUCTURE, ACCESSORY: A building or similar structure that (1) is subordinate in area, extent, and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory

use is not an accessory or similar structure. See also: DWELLING, ACCESSORY UNIT (ADU).

STRUCTURE, EXEMPTED: Construction/installation of the following types of structures do not require a permit under this Ordinance: wiring and other aerial equipment normally associated with service drops together with associated guying and guy anchors, customary lawn furniture and accessories such as mailboxes, benches, dog houses and other such items as determined by the CEO; external oil, gas, propane, or water tanks with no greater than five hundred (500) gallon capacity; boundary walls; fences; at-grade dirt, gravel, stone or wood chip walkways and trails; wooden or wood composite bog bridges; other wooden or wood composite bridges no more than fifteen (15) feet long that span the bridged area and do not require earthwork; flagpoles; and light poles. Exempted structures also include tents that have a footprint of two hundred (200) square feet or less that are set up for no more than six (6) months in a calendar year; tents, including **EVENT TENTS**, with a footprint greater than two hundred (200) square feet that are set up for no more than fourteen (14) days in a calendar year; and **SOFT-SIDED STORAGE UNITS** with a footprint of two hundred forty (240) square feet or less and a height of twenty (20) feet or less.

STRUCTURE, EXPANDED: An increase in the footprint, volume or height of a structure, including all extensions such as, but not limited to attached decks, garages, patios, porches, and greenhouses. Alterations of existing buildings that are required in order to meet the requirements of the ADA and/or the State Fire Code are not considered to be expansions or enlargements of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

Extensions of the deck of, or a ramp from the ground to, a pier, dock or wharf or other structure that is required in order to raise a structure up to four (4) feet above the FEMA base flood elevation to prevent damage or loss of use due to sea level rise are not considered to be enlargements or expansions under the provisions of this Ordinance, provided the extensions are the minimum length needed to accommodate the height increase. The dimensions of the structure must otherwise remain the same and no additional fill within or adjacent to the waterbody or wetland is allowed without a permit.

STRUCTURE, PRINCIPAL: A building or similar structure in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

STRUCTURAL TERMS:

> **BUILDING/STRUCTURE, FLOOR AREA:** The sum of the horizontal area of the floor(s) of a structure enclosed by and including the thickness of the exterior wall, plus the horizontal areas of any unenclosed portions of a structure such as attached garages, porches, patios, and decks. Floor area includes the habitable portion of a dwelling's basement or attic that will or could be utilized without modification for the structure's intended use.

BUILDING/STRUCTURE FOOTPRINT: The entire area of ground covered by the structure(s) on a lot, measured from the exterior surface of the exterior walls at grade level, including but not limited to cantilevered or similar overhanging extensions, as well as attached, enclosed or unenclosed structures such as garages, porches, patios, and decks. Where a structure or a portion of a structure is elevated above grade level on posts, columns, walls or similar supports, its footprint is the area of the ground that would be covered if it were located at ground level.

BUILDING/STRUCTURE FRONT LINE: Line parallel to the front lot line transecting that point in the building face that is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

BUILDING/STRUCTURE HEIGHT: Height of a structure means

(1) With respect to new principal or accessory structures and to existing principal or assessor structures other than those described in paragraph 2, below, including legally existing nonconforming structures, the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, roof-mounted solar systems, and similar appurtenances that have no floor area: and

(2) With respect to existing principal or accessory structures, including legally existing nonconforming structures, located within an area of special flood hazard that have been or are proposed to be relocated, reconstructed, replaced or elevated to avoid damage or restriction of use due to sea level rise, or to be consistent with the minimum elevation required by the Bremen Floodplain Management Ordinance, the vertical distance between the bottom of the sill of the structure to the highest point of the structure excluding chimneys, steeples, antennas, roof-mounted solar systems, and similar appurtenances that have no floor area.

BUILDING/STRUCTURE, PERMANENT – A building or other structure that does not meet the definition of a **BUILDING/STRUCTURE, TEMPORARY** or a **SEASONAL DOCK**.

BUILDING/STRUCTURE, TEMPORARY - A building or other structure, other than a **RECREATIONAL VEHICLE** or an **EVENT TENT**, that is located in one place for no more than nine (9) months in a calendar year and may not be reconstructed or replaced, such that any portion of it is located within its previous footprint, for at least two (2) years from the date it is moved or its removal is completed. A temporary building/structure may not have plumbing except to allow for the use of water for irrigation or other watering of plants or animals.

DWELLING: A building or similar structure or portion thereof, used exclusively for residential occupancy, including single-family, two-family, multiple family dwellings, manufactured housing or mobile homes, and a **RECREATIONAL VEHICLE** used in accordance with Section 5.2.23 (c) or (d).

DWELLING, ACCESSORY UNIT (ADU): A self-contained dwelling unit located within, attached to or detached from an existing structure that is located on the same parcel of land. Whether within, attached or detached, an ADU must have a minimum footprint of one hundred ninety (190) square feet and a maximum footprint of seven hundred (700) square feet. A detached ADU shall not exceed a maximum height of thirty (30) feet. An ADU created by the expansion of an existing structure shall not exceed a maximum height of thirty (30) feet or the height of the existing structure, whichever is greater.

ADUs are exempted from the Town of Bremen Residential Growth Cap Ordinance. An ADU cannot be used as a short-term rental as defined in this Ordinance. For information on ADUs in the shoreland zone, please consult the Shoreland Zoning Ordinance. See also, **SHORT-TERM RENTAL**.

DWELLING, MULTI-FAMILY: A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other in individual dwelling units that share a common wall, floor, or roof. Examples of multi-family dwellings include but are not limited to apartments, attached town houses, group houses, and row houses.

DWELLING UNIT/APARTMENT: A structure, room or group of rooms designed and equipped exclusively for use as permanent, temporary or seasonal living quarters for only one (1) household or family at a time, including provisions for sleeping, cooking, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. See also, **RECREATIONAL VEHICLE.**

DWELLING UNIT, EXISTING: A dwelling unit in existence on a lot at the time of submission of a permit application for additional development on that lot.

DWELLING UNIT, RESIDENTIAL: A structure designed and equipped exclusively for use as living quarters for only one (1) household or family at a time and containing provisions for cooking, sleeping, and toilet facilities.

DWELLING, SEASONAL: A structure that is not adapted to year-round habitation due to the nature of its construction such as the absence of sufficient insulation, heating system, water supply, or sewage disposal system.

DWELLING, SINGLE-FAMILY: A structure designed for and equipped for residential occupancy by not more than one (1) household or family at a time and

having no roof, wall, or floor in common with any other dwelling unit.

DWELLING, TWO-FAMILY: A structure designed for and equipped for residential occupancy by two (2) households or families living in individual dwelling units that share a common wall, floor, or roof.

SUBMERGED LAND: All land seaward from the mean low-water mark or a maximum of 1,650 feet seaward of the mean high-water mark, whichever is closer to the mean high-water mark, out to the 3-mile territorial State marine boundary.

SUBSTANTIALLY COMMENCED: Construction shall be considered to be substantially commenced when any work beyond the state of excavation, including but not limited to, the pouring of a slab, footings or foundation walls, the installation of piles, the construction of columns or the placement of a manufactured home on a foundation has begun.

SUBSTANTIALLY COMPLETED: Construction shall be considered to be substantially completed when it has been completed to the point where normal functioning, use or occupancy can occur without concern for the general health, safety, and welfare of the occupant and the general public. At a minimum, it shall include the completion of no less than ninety-five (95) percent of the proposed improvements within a development and shall include permanent stabilization and/or re-vegetation of areas of the site that were disturbed during construction.

SUBSURFACE SEWAGE DISPOSAL SYSTEM: A system designed to dispose of human waste or wastewater on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping; or any other fixtures, mechanisms, or apparatus used for those purposes. It does not include any discharge system licensed under 38 M.R.S.A., Section 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

SUSTAINED SLOPE: A change in elevation where the referenced percent grade is substantially maintained or not exceeded throughout the measured area.

TAXPAYER: A person listed in the Town's property tax roll.

TENT: A temporary structure that is placed on or over the ground and having a roof and/or sides made from natural or synthetic fabrics or plastic, the primary purpose of which is to house or provide shelter for a person or persons. A tent may also have a floor that is made from these same materials. A platform that may be used beneath a **TENT** is a separate structure from the **TENT**.

TIDAL WATERS: All waters affected by tidal action.

TIDELAND: Land alternately covered and uncovered by the tide between high and low tides.

TIMBER HARVESTING: The cutting and removal of timber and related activities for the primary purpose of selling or processing forest products, including the construction and maintenance of roads used primarily for timber harvesting. The State of Maine regulates timber harvesting throughout the Town of Bremen. Timber harvesting does not in include the cutting or removal of trees or other vegetation when its primary purpose is to clear land associated with any other land use activities. Such cutting or removal of trees shall be regulated pursuant to the Shoreland Zoning Ordinance.

TIMBER HARVESTING AND RELATED ACTIVITIES: Timber harvesting requiring the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

TOWN: Bremen, Maine.

TOWN CLERK: The Town Clerk of Bremen, Maine.

TOWN WARDEN, SHELLFISH: A Town Shellfish Warden of Bremen, Maine.

TRANSIENT ACCOMMODATIONS: Accommodations (Bed and Breakfast, Boarding House, Motel, Hotel or Inn) that include buildings where rooms are provided for compensation and may include accessory uses such as restaurants, lounges, gift shops, conference rooms, and recreational facilities such as swimming pools and game rooms. See also, **BED AND BREAKFAST**.

TREE: A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4-1/2) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.
TREE CALIPER SIZE: The diameter of a young or nursery-grown tree's trunk measured at six (6) inches above the ground (or root flare) for trees with a caliper of four (4) inches or less, and twelve (12) inches above ground for trees with a caliper greater than four (4) inches.

TRIBUTORY STREAM: A channel between defined banks created by the action of surface water that is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material, or bedrock; and that is connected hydrologically with other water bodies. Tributary stream does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term stream as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. Water setback requirements apply to tributary streams within the shoreland zone.

UPLAND EDGE OF WETLAND: See **WETLAND.**

USE: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

ACCESSORY USE: A use subordinate to a permitted use located on the same lot, and clearly incidental and related to the permitted use.

EXPANDED USE: The addition of one or more months to a use's operating season, and/or any increase of use in volume or function, whether or not resulting from an increase in the footprint, height, floor area, or land area occupied by a particular use. Increases of a use that are required in order to meet the requirements of the ADA and/or the State Fire Code are not considered to be expansions of a use, provided the increases are the minimum necessary to satisfy the ADA and/or State Fire Code.

OPEN SPACE USE: A use that does not disturb the existing state of the land except to restore this land to a natural condition.

PERMITTED USE: A use that may be lawfully established provided it conforms to all the requirements, standards, and regulations of this Ordinance.

PRINCIPAL USE: The specific primary purpose for which land is used.

VARIANCE: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the owner, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. Variances can only be issued by the Board of Appeals.

VEGETATION: All live trees, shrubs, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one half (4.5) feet above ground level.

VELOCITY ZONE, FLOODPLAIN: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

VERNAL POOL: A shallow depression that usually contains water for only part of the year. Significant vernal pools are a subset of vernal pools with particularly valuable habitat and are regulated under the State of Maine Natural Resources Protection Act (38 MRSA Section 480).

VESSEL: A boat of any size propelled by hand, sail, or motor, including scows, dredges, shellfish, cars, and watercraft of any kind.

VOLUME OF STRUCTURE: The volume of all portions of a structure enclosed by a

roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WAREHOUSE AND STORAGE FACILITY: A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

WATER BODY: Any great pond, river or stream.

WATER CROSSING: A project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

WATERWAY: A water area providing access from one place to another, principally a water area providing a regular route for water traffic.

WETLAND: A coastal, forested and/or freshwater wetland.

COASTAL WETLAND: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Oceanic and Atmospheric Administration (NOAA). Coastal wetlands may include portions of coastal sand dunes. All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

FORESTED WETLAND: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty [20] feet) or taller.

FRESHWATER WETLAND: Freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands, that are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support and that under normal circumstances do support a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

UPLAND EDGE OF WETLAND: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty [20] foot) tall or taller.

WHARF: See PIER.

WHOLESALE BUSINESS ESTABLISHMENT: A business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

WIND ENERGY FACILITY: An electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET (meteorological) Towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s).

WINDFIRM: The ability of forest stands to withstand strong winds and major breakage.

WOODY VEGETATION: Live trees or woody, non-herbaceous shrubs.

YARD: See SETBACK.

ZONING ORDINANCE: A type of ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

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