



TOWN GRAY
GRAY TOWN COUNCIL
AGENDA • MAY 18, 2021

**Gray Town
Council Regular
Meeting**

Online via Zoom
<https://zoom.us/j/7433264592>

7:00 PM

I. OPENING STATEMENT:

Due to the Governor's latest Executive Order, the Town Council meeting will NOT take place in person. The meeting will be held online with the Zoom link provided above and on the Town website. For the Public Hearing, Residents can click in to participate or call in using the provided number during the times detailed below. Public Comments are only allowed during the Public Hearing as detailed in the agenda.

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. MINUTES FROM PREVIOUS MEETINGS 5 MINS

1. To Review and Approve the Minutes of the Town Council Meeting on May 4, 2021.

**V. PUBLIC COMMENTS OF NON-AGENDA ITEMS (LIMIT 3 MINUTES PER PERSON)
10 MINS**

Comments are intended for information sharing, not discussion. Comments in excess of 3 minutes are welcome at the end of the agenda prior to adjournment.

VI. PRESENTATION(S)

1. Otelco Fiber Internet Expansion in Gray and New Gloucester - Tracy Scheckel **15 MINS + Q&A 5 MINS**
2. Fiscal Policy Research - Finance Committee **15 MINS**

VII. PUBLIC HEARING(S)

1. To Review and Act Upon a Second Reading of proposed amendments to the Sign Ordinance (Chapter 406) including definitions, brightness standards, multi-tenant properties in the village, electronic gas price signage, and standards for banners. **10 MINS (est. 7:50 p.m.)**

Proposed motion:

Be it Ordained, the Gray Town Council Approves the proposed amendments to the Sign Ordinance (Chapter 406) including definitions, brightness standards, multi-tenant properties in the village, electronic gas price signage, and standards for banners.

2. To Review and Act Upon a Second Reading of proposed amendments to the Shoreland Zoning Ordinance (Chapter 403) including changes/updates to definitions, uses table, vegetative buffers, expansions to non-conforming structures, and administrative provisions including Code Enforcement Officer authority for certain variances. **15 MINS (est. 8:00 p.m.)**

Proposed motion:

Be it Ordained, the Gray Town Council Approves the proposed amendments to the Shoreland Zoning Ordinance (Chapter 403) including changes/updates to definitions, uses table, vegetative buffers, expansions to non-conforming structures, and administrative provisions including Code Enforcement Officer authority for certain variances.

3. To Review and Act Upon a Moratorium on proposals involving single-family (including accessory apartments) and two-family development in the Village Center and Village Center Proper Zoning Districts. **15 MINS (est. 8:15 p.m.)**

Proposed motion:

Be it Ordained, the Gray Town Council Approves the Moratorium on proposals involving single-family (including accessory apartments) and two-family development in the Village Center and Village Center Proper Zoning District.

VIII. REPORT FROM THE COUNCIL CHAIR 5 MINS

IX. REPORT FROM THE TOWN MANAGER 5 MINS

X. COMMITTEE REPORTS 5 MINS

XI. COUNCIL CORRESPONDENCE/ACTIVITIES 5 MINS

XII. ACTION ITEMS

1. To Review and Act Upon Approving the Annual Town Meeting Municipal Warrant for June 8, 2021. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council Approves the Annual Town Meeting Municipal Warrant for June 8, 2021.

2. To Review and Act Upon the Appointment of the Warden for the June 8, 2021 Election. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council Appoints Carol West as the Warden for the Election to be held on June 8, 2021.

3. To Review and Act Upon Approving the School Administrative District Budget Validation Referendum Warrant to be Held on June 8, 2021. 5 MINS

Proposed motion:

Ordered, the Gray Town Council Approves the School Administrative District Budget Validation Referendum Warrant to be Held on June 8, 2021, as presented.

4. To Review and Act Upon Approving the donation of three (3) of the four planter rings at 5 Yarmouth Road Pocket Park. 5 MINS

Proposed motion:

Ordered, the Gray Town Council approves the acceptance of Nicholas Cote's donation of materials in the amount of \$1,800 for the pavilion at 5 Yarmouth Road Pocket Park.

5. To Review and Act Upon Approving the Public Works Department's purchase of a Nortrax trailer in the amount of \$30,074. 5 MINS

Proposed motion:

Ordered, the Gray Town Council Approves the Public Works Department's purchase of a Nortrax trailer in the amount not to exceed \$30,074, as submitted by the Director of Public Works.

6. To Review and Act Upon Accepting the Bid Submission and the Generator and ATS Specifications from Gowen Power Systems for an amount not to exceed \$47,080 as submitted by the Director of Buildings & Grounds. 5 MINS

Proposed motion:

Ordered, the Gray Town Council Accepts the Bid Submission and the Generator and ATS Specifications from Gowen Power Systems for an amount not to exceed \$47,080 as submitted by the Director of Buildings & Grounds.

7. To Review and Act Upon Accepting the Bid Submission for Gray Public Library boiler replacement from Thayer Corporation for an amount not to exceed \$22,347 as submitted by the Director of Buildings & Grounds. 5 MINS

Proposed motion:

Ordered, the Gray Town Council Accepts the Bid Submission for Gray Public Library boiler replacement from Thayer Corporation for an amount not to exceed \$22,347 as submitted by the Director of Buildings & Grounds.

8. To Review and Act Upon Approving the ATV Grant. 15 MINS

Proposed motion:

Ordered, the Gray Town Council Directs the Town Manager or his assignee to submit the proposed ATV Grant substantially as presented.

9. To Review and Act Upon Approving the Community Planner position description. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council Approves the Community Planner position description.

10. To Appoint the Town Manager to the EcoMaine Board. **5 MINS**

Proposed motion:

Ordered, the Gray Town Council Approves the appointment of Town Manager Nate Rudy to the EcoMaine Board.

XIII. COUNCIL BUSINESS

1. Discussion Items:

- Finalize Town Budget Flyer

XIV. ADJOURNMENT 10:00 p.m.

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

TOWN OF GRAY
GRAY TOWN COUNCIL
MINUTES • MAY 4, 2021

Regular Meeting

Henry Pennell Municipal Complex

7:00 PM

24 Main Street, Gray, ME 04039

I. Opening Statement: Due to the Governor's latest Executive Order, the Town Council meeting did not take place in person. The meeting was held online with the link provided the day of the meeting.

II. ROLL CALL

Attendee Name	Title	Status
Sandra Carder	Chair	Present
Bruce Foshay	Councilor	Absent/Excused
Dan Maguire	Councilor	Present
Sharon Young	Councilor	Pres
Anne Gass	Vice Chair	Present
Nate Rudy	Town Manager	Present
Doug Webster	Community Development	Present
Kathy Tombarelli	Town Planner	Present

III. PLEDGE OF ALLEGIANCE TO THE FLAG

IV. MINUTES FROM PREVIOUS MEETINGS

1. To Review and Approve the Minutes from the Town Council Meeting of April 20, 2021.

MOTION: Ordered, the Gray Town Council Approves the Minutes from the Town Council Meeting of April 20, 2021.

RESULT:	APPROVED AS AMENDED [4-0]
MOVER:	Sharon Young, Councilor
SECONDER:	Dan Maguire, Councilor
AYES:	Carder, Gass, Maguire, Young
ABSENT:	Foshay

Councilors Gass and Young requested edits. Chair Carder asked them to submit the edits to Town Manager Rudy.

2. To Review and Approve the Minutes from the Town Council Executive Session of April 20, 2021.

MOTION: Ordered, the Gray Town Council Approves the Minutes from the Town Council Executive Session of April 20, 2021.

RESULT:	APPROVED [4-0]
MOVER:	Dan Maguire, Councilor
SECONDER:	Anne Gass, Vice Chair
AYES:	Carder, Gass, Maguire, Young
ABSENT:	Foshay

V. PUBLIC COMMENTS OF NON-AGENDA ITEMS (LIMIT 3 MINUTES PER PERSON).

There were no public comments. Chair Carder closed this part of the agenda at 7:07 p.m.

VI. PRESENTATION

1. Energy Innovation & Carbon Dividend Act (HR2307) – Don Parent

Don Parent, Gray resident, spoke and shared his presentation. He has been concerned about climate change for about 40 years. He participates with a citizen climate lobby group and is also a small business owner.

He explained HR2307 which would create a carbon dividend trust fund. He explained a fee would be charged on carbon-based material, would be put into an escrow account, and then 100% would go back to American people equally. He also explained that this concept was created by James Baker and George Shultz.

He is looking for more towns and cities endorse this—he said he has endorsements from 17 towns and cities so far. He hopes to push this forward in Congress. He said the bill was just reintroduced last week.

Chair Carder said this could possibly be on a future council agenda for discussion and decision.

VII. PUBLIC HEARINGS

- 1. To Review and Act Upon a First Reading of proposed amendments to the Sign Ordinance (Chapter 406) including definitions, brightness standards, multi-tenant properties in the village, electronic gas price signage, and standards for banners.

There were no public comments. Chair Carder closed the public hearing at 7:29 p.m.

Councilors had several questions, edits, comments, and suggestions for Doug Webster. The Little League sponsor signs at Pennell and Douglas field were discussed and Mr. Webster will add information that they can be up to 20 sq. ft. There was a concern this could be a substantive change, but Mr. Webster did not think that was an issue, based on advice/precedent set by Bill Dale in the past.

MOTION: Ordered, the Gray Town Council sets a Public Hearing and a Second Reading on May 18, 2021 for the purposes of acting upon proposed amendments to the Town’s Sign Ordinance (Chapter 406) including definitions, brightness standards, multi-tenant properties in the village, electronic gas price signage, and standards for banners.

RESULT:	APPROVED [4-0]
MOVER:	Sharon Young, Councilor
SECONDER:	Anne Gass, Vice Chair
AYES:	Carder, Gass, Maguire, Young
ABSENT:	Foshay

- To Review and Act Upon a First Reading of proposed amendments to the Shoreland Zoning Ordinance (Chapter 403) including changes/updates to definitions, uses table, vegetative buffers, expansions to non-conforming structures, and administrative provisions including Code Enforcement Office authority for certain variances.

There were no public comments. Chair Carder closed the public hearing at 8:06 p.m.

Councilors had several questions, edits, comments, and suggestions for Doug Webster. Councilor Young also had concerns about moorings. As changes regarding moorings were determined to be substantive changes, Chair Carder said they will follow up on that matter at another time and obtain information from the legislative bill Councilor Young referred to.

MOTION: Ordered, the Gray Town Council sets a Public Hearing and a Second Reading on May 18, 2021 for the purposes of acting upon proposed amendments to the Shoreland Zoning Ordinance (Chapter 403) including changes/updates to definitions, uses table, vegetative buffers, expansions to non-conforming structures, and administrative provisions including Code Enforcement Office authority for certain variances.

RESULT:	APPROVED [4-0]
MOVER:	Sharon Young, Councilor
SECONDER:	Anne Gass, Vice Chair
AYES:	Carder, Gass, Maguire, Young
ABSENT:	Foshay

- To Review and Act Upon a Moratorium on proposals involving single-family (including accessory apartments) and two-family development in the Village Center and Village Center Proper Zoning Districts.

Councilor Carder opened the public hearing at 9:05 p.m. Noah Reidelbach, resident of 133 Yarmouth Road, stated (via chat) his questions and concerns regarding the moratorium. There were no other public comments. Chair Carder closed the public hearing at 9:08 p.m.

Town Manager Rudy explained this is a temporary moratorium not to exceed 180 days. The purpose is to give time to ensure that development in Gray conforms with the goals of the Comprehensive Plan. The goal is to review all zoning ordinances in the next 12 to 18 months. Chair Carder called a Point of Order to clarify that the 180 days is retroactive to April 6th and that the council can repeal the moratorium before it expires.

Councilor Young wanted to make sure this wouldn't impact the Meadowview expansion. Doug Webster and Kathy Tombarelli both explained this moratorium is not impacting multi-family development.

Councilor Maguire thought this was going to apply to commercial districts also. He was disappointed it is only affecting the village district.

MOTION: Ordered, the Gray Town Council sets a Public Hearing and a Second Reading on May 18, 2021 for the purposes of acting upon a moratorium for proposals involving single-family (including accessory apartments) and two-family development in the Village Center and Village Center Proper Zoning Districts with a retroactive applicability date of April 6, 2021.

RESULT:	APPROVED [3-1]
MOVER:	Anne Gass, Vice Chair
SECONDER:	Dan Maguire, Councilor
AYES:	Carder, Gass, Young
NAY:	Maguire
ABSENT:	Foshay

VIII. REPORT FROM THE COUNCIL CHAIR

Chair Carder discussed the following topics:

COVID: The Governor has extended the state of emergency through May 13th which allows us to remain online until June 13th. Given we only have two more meetings with this council and Councilor Foshay is traveling for both, she recommended they remain online for those meetings and can reassess at the June 1st meeting. She asked if there were any objections and there were none. She did not have an update on the LD32 status.

Planner: She stated that, as all councilors had heard, Kathy Tombarelli will be leaving us to pursue another opportunity. She recognized Kathy for her hard work and dedication to the town. During her six years with Gray, there has been a lot of change and Chair Carder believes the last year was likely her most busy, most challenging year. Her efforts to help local businesses during last year by working on the Local Food Rules, Food Truck and Farmer's Market ordinances, as well as the change in allowing outdoor dining were critical to maintaining Gray's economy. Her experience with CDBG grant applications and support of the Pocket Park were invaluable. She will be missed but she will remain active in our community. Chair Carder wished her good luck with her new role.

Chair Carder stated that this changes what the council had planned for the Planning Board/Council Training workshops. At this point, Town Manager Rudy would like to hire the new Town Planner before the workshops are set up. He will be sharing more information on the Build Maine seminars coming up next month and is coordinating with GPCOG on the training workshop which will now likely occur after those seminars. There are still plans to hold a subsequent meeting with the Planning Board once those activities are done.

Diversion Study: Elizabeth Roberts of GPCOG has asked permission to use Gray's Diversion Study as an example during professional development workshops. This is a public document, so they have access to it. Chair Carder asked if there were any objections. Councilor Young has reservations since taxpayer money was used for the study.

Legislative Team meeting/MTA: Chair Carder and Town Manager Rudy are scheduled to speak to Senator Cathy Breen on May 5th to obtain her thoughts on approaches/timing to talk about the Diversion Study. She believed Mr. Rudy has also spoken to Peter Mills of MTA.

LD1372 Act to Collect Data to access the need and plan for Noise Abatement by the MTA: She had shared an email with the council from Senator Breen regarding this bill. They received late notification of the pending public hearing, but Chair Carder did submit testimony in support of the bill on her own behalf. Town Manager Rudy attended the hearing, but they did not seem to get to this bill.

DMS Lease: There is no update just yet, but Rick Parker has provided a timeline for submission to the Commissioner's office as we have been unable to find the paperwork he seeks. She asked him today to submit it.

Joint Leaders Meeting: A meeting has been set for June 17th at 9 a.m. One topic for that meeting will be the budget timelines and warrant article deadlines as well as a follow up on the fee schedule/process between entities.

Volunteer Awards: She reminded the council that nominations are being sought now and can be submitted until May 24th.

IX. REPORT FROM THE TOWN MANAGER

Town Manager Rudy stated he had submitted a written report to the council. Councilors had no questions about his report.

He stated that Captain Pete Holmquist has been appointed Assistant Chief on a probationary term. Someone else will stand in as acting Captain. Also, the Animal Control Officer position will be moved under the public safety department and will report to Chief Elkanich rather than to the Town Manager.

A wage adjustment will take place for Mo Russo to bring his salary up. This adjustment will come from the Town Manager's discretionary fund.

He has been in contact with Peter Mills and Erin Courtney of MTA. There will be a follow up meeting with Gray resident Ralph Norwood during the week of May 24th. They will discuss specific projects and assistance the town would like from MTA.

He tried to contact DOT about Shaker Road, Rt. 115, and Rt. 100 projects. A follow up meeting is needed.

He provided a copy of the town audit report to councilors.

He is still working on the replacement for the Recreation Director.

X. COMMITTEE REPORTS

Councilor Gass said the Recreation Committee will not meet until a new Director is hired.

Councilor Gass said the Community Television and Communications Advisory Committee met with Jon Hartt. They discussed franchise fee negotiations. They clarified the use of Grant Guiliano's time, and worked on their policy.

Councilor Young said the Blueberry Festival Committee met in person and had a site walk. She was not able to attend. The Blueberry Festival planning is well underway, following CDC guidelines. They plan to add two hours to the event to stretch out the entertainment portion of the event. They will move vendor and booth spaces out onto the field. She and Lacy Antonson have been in contact with vendors. The festival will take place on August 14th from 9 a.m. to 6 p.m.

Councilor Young said ZBA met on April 28th. They had a very difficult decision and she credited them with the amount of compassion they showed and their willingness to put aside the emotional aspects and go by the standards. Unfortunately, they were not able to grant the ordinance that was requested.

Councilor Young said the Finance Committee went over the financials from January, February, and March. They had a lot of discussion with Town Manager Rudy and Katy Jewell regarding a survey which will be on the council's May 18th agenda.

Councilor Maguire said the OAC meeting was cancelled and the Planning Board has not met.

Councilor Carder noticed the closed captioning of this meeting was not an accurate reflection of what was being said and the public should be aware of that while watching the meeting.

Councilor Carder said the Recycling Committee will change their meeting dates to the 2nd Monday of the month at 6:30 p.m. to help with schedules. Next meeting will be on May 10th. They will be recruiting for members at the Pocket Park event and at the polls.

Councilor Carder said GPCOG is set to meet on May 12th in preparation for the annual summit which will be held virtually on May 26th. GPCOG has asked her to remain on the Executive Committee and also asked if she would serve as President for the next year.

Councilor Carder said the Dry Mills Schoolhouse will meet on May 24th at 6:30 p.m. She said town staff is busy working on the repairs and is making good progress.

XI. COUNCIL CORRESPONDENCE/ACTIVITIES

Councilor Gass heard from Will Burrow, a Trustee of the Congregational Church. Their annual meeting will be held in June. He would like to get their approval then, rather than wait until December. The church has concerns about liability, and would like to slow bike traffic on the trail. Sketches of the proposed Eagle Scout planters have been sent to him.

Councilor Gass heard from a resident of Long Hill Road regarding the ATV grant. She explained it is due on May 30th and will discuss this later in tonight's agenda.

Councilor Gass heard from the Director of the National Weather Service regarding their poor water quality and low flow issues.

Councilor Young said the Gray LifeLong Living Committee will meet later this week. They hope to be included in AARP's list of age-friendly communities. She will bring this topic to the council, probably in June, for a letter of support.

Councilor Young heard from a couple of residents asking why council meetings were not back to the live setting. She explained the condition of the council chambers. These residents want the council to return to face-to-face meetings.

Councilor Carder received an inquiry from the GNG Little League regarding the original Pennell field dugouts project. She is working with town staff in order to respond.

Councilor Carder set up a call with Courtney Kemp, of the Bridgton Community Development Department, as she would like to obtain some information on municipal solar arrays. She had contacted Doug Webster and he referred her to Councilor Carder.

Councilor Carder spoke to Tracy Scheckel of OTT Communications about their plans to expand fiber in Gray and New Gloucester in the coming year.

Councilor Carder said staff received a few different emails from an account that was set up with her name in the email title. It was a spam account and Mohamed Abu blocked it. It is a good reminder to always look at the sender's email to identify bogus accounts.

XII. ACTION ITEMS

- 1. To Review and Approve the Town Manager Goals

Councilor Young requested that “reclaim” be struck.

MOTION: Ordered, the Gray Town Council Approves the Town Manager’s Goals.

RESULT:	APPROVED AS AMENDED [4-0]
MOVER:	Anne Gass, Vice Chair
SECONDER:	Sharon Young, Councilor
AYES:	Carder, Gass, Maguire, Young
ABSENT:	Foshay

XIII. COUNCIL BUSINESS

- ATV Grant

Councilor Gass said the deadline for the grant application is May 30th. The bulk of the work will be coming up with the detailed cost estimate, which Jon Powers is working on. She hopes to have it available for a council vote on May 18th.

- Budget Flyer

Chair Carder complimented Councilor Maguire on the wonderful job he did on the flyer. She appreciated the usefulness of the flyer with its consistency from year to year. Councilor Maguire plans to have the changes and updates made so it can be presented to the council on May 18th.

Councilor Young provided some suggestions/edits to Councilor Maguire. Town Manager Rudy requested that language regarding the warrant not be changed as it should match what is on the ballot.

XIV. ADJOURNMENT at 10:17 p.m.

Motion to adjourn at 10:17 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dan Maguire, Councilor
SECONDER:	Anne Gass, Vice Chair
AYES:	Carder, Gass, Maguire, Young
ABSENT:	Foshay



OTELCO

Spring / Summer 2021

Lightwave Fiber Internet in Gray and
New Gloucester



OTT Communications.



Technology. Tradition. Together.®

Lightwave
FIBER INTERNET

Fiber 101

How is it different from DSL or Cable?



- Transmits data with electricity over copper wire or coax.
- Copper has resistance and signal is reduced over long distances and limits bandwidth availability.
- Symmetrical Speeds are difficult to attain.



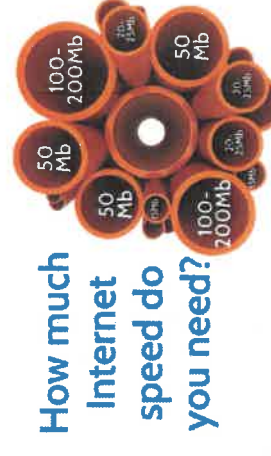
- Transmits data with pulses of light over hair-thin glass fibers.
- Glass has virtually no resistance allowing data to travel over extremely long distances with little impact on bandwidth.
- Symmetrical speeds are easily attainable.



What is data and what is bandwidth?

Data is anything that is sent and received over the Internet.

Bandwidth is the amount of data that can be transmitted at one time.



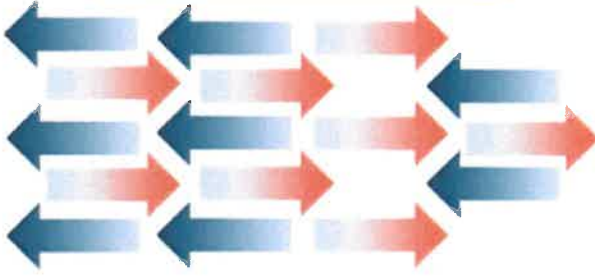
Think of your Internet speed like various sizes of water pipes. Faster speeds mean a bigger pipe and more water (data) can go through.

Fiber 101 (cont.)

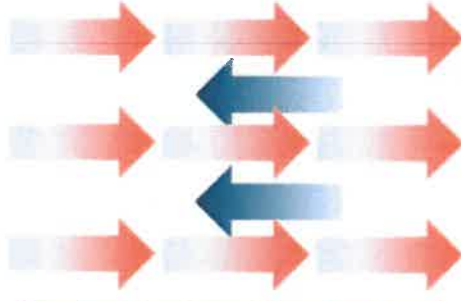


What are symmetrical speeds and why do we need them?

With symmetrical speeds, equal amounts of data can be sent and received simultaneously through your pipe.



Streaming Music or Video	
Gaming	
Video Chat	
Sending Video, Photos, and Documents	
Emailing	
Telemedicine	
Idle Smart Devices When Powered On	



With asymmetrical speeds, less data can be sent out through your pipe.

What's the Plan?

We're going to expand our Fiber to the Premise (FTTP) network to serve an additional 4,000 locations in Gray and New Gloucester.

- Today there are a total of 260 locations in Gray and New Gloucester that have FTTP available to them.
- Majority are in Gray with some New Gloucester locations in the Notched Pond subdivision.
- Planning to add approximately 2,900 locations in Gray and approximately 1,200 locations in New Gloucester.



When is construction planned?

Preparation has already begun, and the projects should be in full swing between May and July.

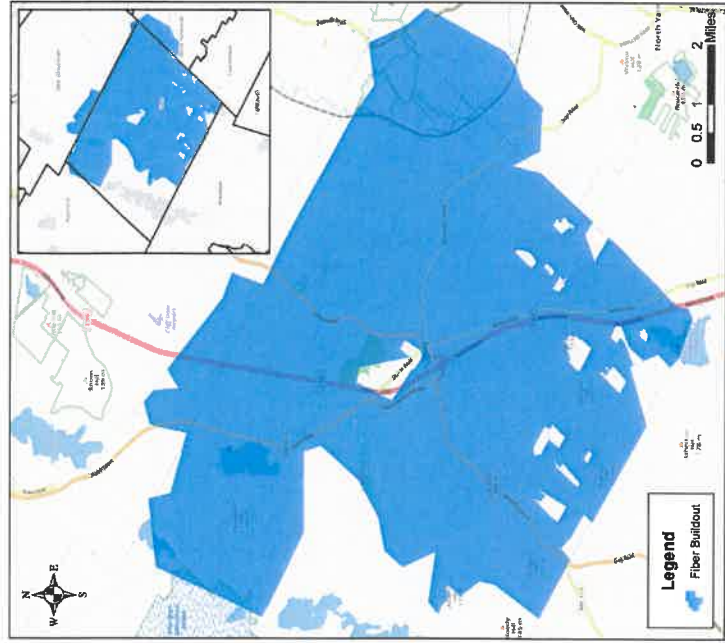
And the cost?

- **150 Mbps Symmetrical Stand Alone:** \$49.95/mo. for 12 months, then \$59.95
- **500 Mbps Symmetrical Stand Alone:** \$59.95/mo. for 12 months, then \$69.95
- **Gigabit Symmetrical Stand Alone:** \$69.95/mo. for 12 months, then \$79.95
 - There is a \$9.95 Technology fee on all service offerings
 - Bundling service may offer additional savings

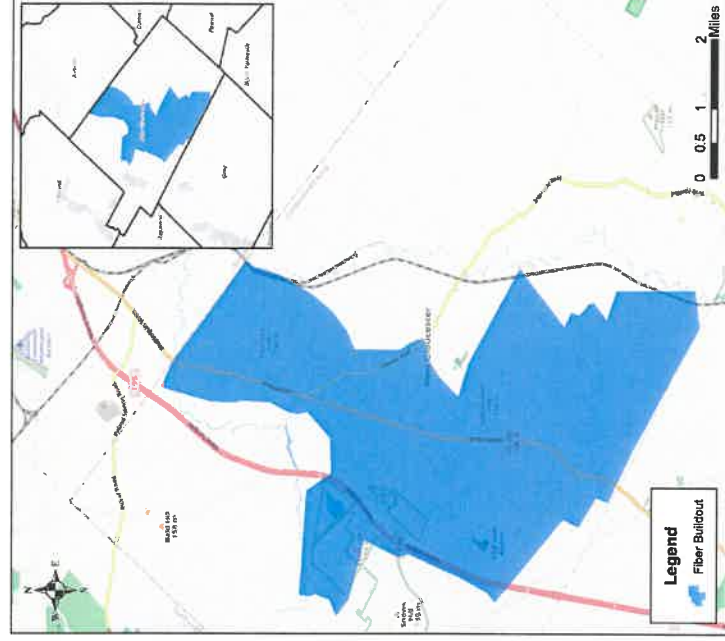
Where is the FTTP going to be available?

The maps below indicate the approximate area of the fiber builds.

Town of Gray Fiber Buildout



Town of New Gloucester Fiber Buildout



Additional Information and Updates

Visit otelco.com/gng

- Periodic Project Updates
- Fiber 101 Video
- Bandwidth Calculator
- Priority Installation



Business Residential Cloud Wh

Fiber Internet is coming to more locations in Gray and New Gloucester

OTELCO is excited to announce that we're building OTELCO Lightwave Fiber Internet to approximately 4,000 locations in Gray and New Gloucester in the coming few months. With symmetrical speeds ranging from 100 Mbps to 1 Gbps, we have the speed you need! Check back here for periodic project updates.

OTELCO Lightwave Fiber Internet is not just faster, it's better!

Check out this video to learn more.



Not sure what speed you need? Check out our [bandwidth calculator](#).

Questions?

Tracy Scheckel

207-688-8219

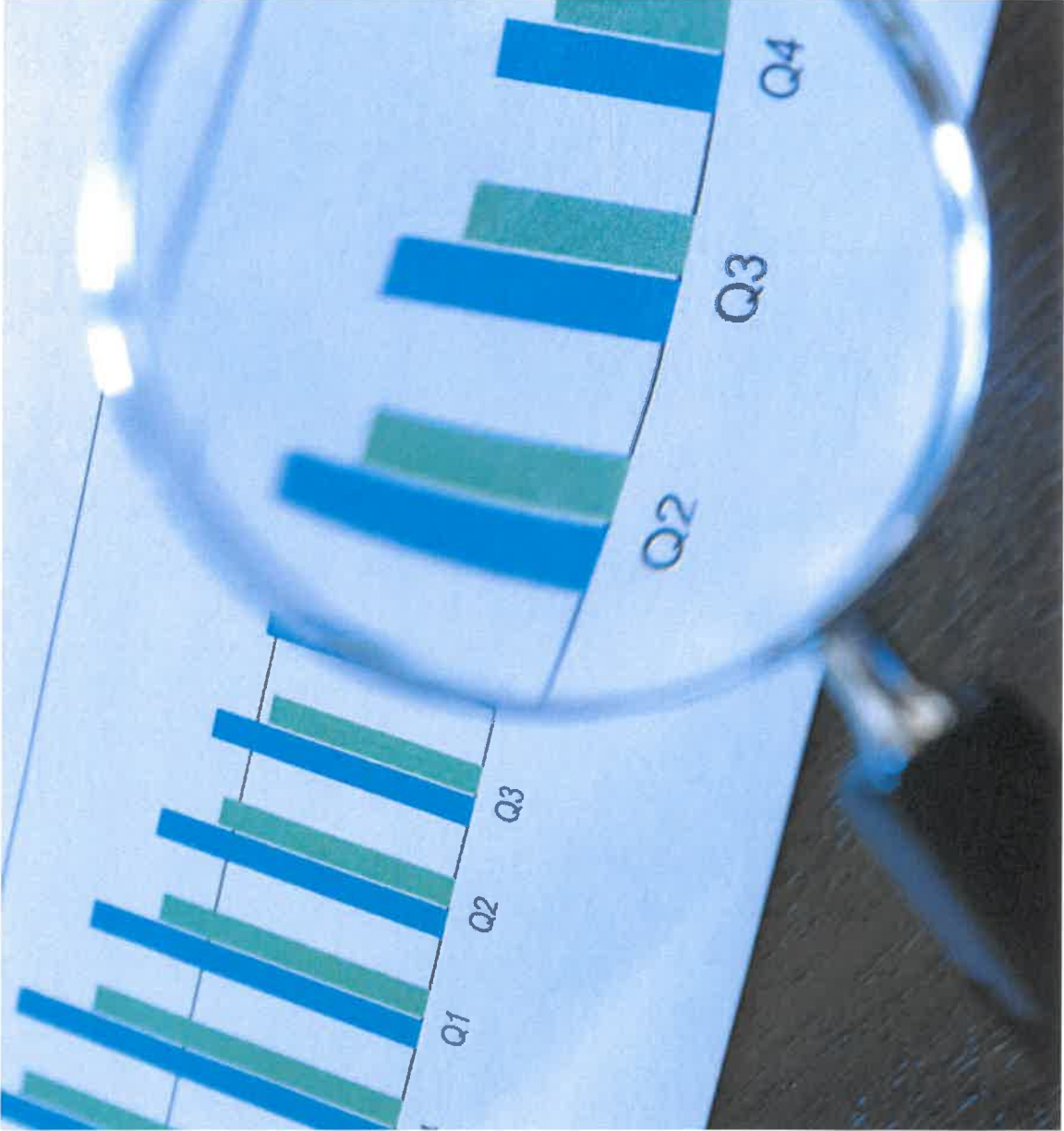
Tracy.Scheckel@otelco.com



Thank You!

Town of Gray Finance
Committee Research Project

MUNICIPAL CAPITAL IMPROVEMENT PLANNING



TOWN OF GRAY FINANCE COMMITTEE – WHO ARE WE?

Charlie Cote, Chairperson, retired in 2017 after a 39 year Management Professional career in Production Planning, Operations, Special Projects, Profit Planning, and Cost Accounting. Charlie holds a Masters in Business Administration.

Gary Robbins retired in 2018 having spent the last 24 years of his professional life at WEX. Gary ended his career as Vice President of Strategic Acquisitions. He holds a BS in Business Administration, Economics and an AS in Accounting.

Sharon Young retired in 2017 having spent 27 years in Residential Mortgage Lending, 10 of those years as President of a local Maine company. The final 6 years she worked in Accounting and Bookkeeping. Sharon holds an AS in Accounting.

Bruce Foshay, Council Liaison, has been Co-Owner/ Principal of a Management Consulting Company for 22 years, serving the Medical Device and Aerospace industries. Bruce holds an AS in Commercial Art, BS in Marketing and BS in Mechanical Engineering.

DISCOVERING HOW OTHER COMMUNITIES MANAGE CIP- (PHILOSOPHY AND METHODOLOGY)?

Select comparable communities by demographics and by bond ratings as suggested by former Gray Town Manager.

Interview Town Manager or CFO and observe each municipal debt service expense and CIP budget.

Record answers to a list of questions suggested by Gray Finance Director.

Compile data analysis of trends and present recommended CIP policy.

HOW DID WE SELECT COMPARABLE COMMUNITIES?

Comparables chosen considerations:

Bond Ratings, primary consideration is communities maintaining a bond rating equal or better than Gray (Note – Bond Rating not available for all communities)

Population Equivalency, with the exception of neighboring Windham & Raymond, communities chosen within 7,500-10,000 Population estimates

Geographic Proximity, primarily Southern Maine within 1 hour drive time from Gray.

Median Income, viewed only as an indicator of community wealth.

Town Valuations, viewed only as an indicator of community wealth.

WHO ARE OUR COMPARABLE COMMUNITIES?

GRAY – RATING AA2,/AA+
POPULATION 8203

SOURCE: S&P GLOBAL RATING 2019

Cape Elizabeth – Rating Aa1/AAA, Population 9419

Cumberland – Rating Aa2,/AA+, Population 8158

Freeport – Rating Aa2/AAA, Population 8726

Kittery – Rating Aa2/AA+, Population 9896

Lisbon – Rating nr/nr, Population 8819

Old Orchard Beach – Rating Aa3/AA+, Population 9001

Raymond – Rating nr, AAA, Population 4504

Standish – Rating ,nr, nr , Population 10078

South Berwick – Rating Aa3/AA+, Population 7630

Topsham – Rating nr,/AA+, Population 8754

Windham – Rating Aa2/ AA, Population 18335

Yarmouth – Rating Aa2,/AA+, Population 8550

RESEARCH - WHAT DID THEY SAY?

What did Cape Elizabeth say?

Bond Rating = Aa1/AAA, Population = 9419, Median Household Income = \$123,116, Town Valuation = \$2,275,600, FY 2021 Budget (Municipal) = \$17,162,794

Matt Sturgis Cape Elizabeth Town Manager, served on the Gray Town Council from the early 2000's until he stepped down in 2017 to take the Cape position. He was previously employed by Gorrill Palmer, Civil Engineers.

Matt reports a 5-yr and a 10-yr CIP plan. Each years needs are funded through the budget. Equipment purchases are financed through lease plans. Bonding is only utilized for useful life items (like buildings) of 20 years or more.

RESEARCH FINDINGS - WHAT DID THEY SAY?

What did Cumberland say?

Bond Rating = Aa2/AA+, Population = 8158, Median Household Income = \$111,890, Town Valuation = \$1,406,550, FY 2021 Budget (Municipal) = \$10,619,212

Bill Shane has been Cumberland's Town Manager since 2003, and previously as Yarmouth's Town Manager for 14 years.

Bill reports at minimum a 5-yr plan. Reserve accounts fund some Equipment purchases. Bonding is only used for major infrastructure projects costing 2.5-3M an up. FY 2020 had bond savings which was used to pay debt service not fund current CIP expense.

TOWN OF GRAY FINANCE COMMITTEE - RESEARCH FINDINGS – WHAT DID THEY SAY?

What did Freeport say?

Bond Rating = Aa2/AAA, Population = 8726, Median Household Income = \$86,128, Town Valuation = \$1,863,700, FY 2021 Budget (Municipal) = \$10,501,381

Jessica Malloy has been Freeport's Finance Director Manager since 2015 and had previously been Lisbon's Finance Director for 5 years.

Jessica reports at minimum a 20-yr plan, but focus is on current year and following 5. Freeport carries 12 CIP Reserve Accounts. Bonding is rarely necessary. Freeport would be debt free in 2023, but a \$600+K Bond is under consideration this year for a bridge reconstruction.

RESEARCH FINDINGS – WHAT DID THEY SAY

What did Kittery say?

Bond Rating = Aa2/AA+, Population = 9896, Median Household Income = \$78,451, Town Valuation = \$1,866,050. FY 2021 Budget (Municipal) = \$13,465,044

Kendra Amaral has been Kittery's Town Manager since 2016 and had previously been Assistant Town Manager in Wilmington MA

Kendra reports a 5 and 10 yr plan. Kittery relies upon reserves to fund CIP. Each department carries a reserve account with a 3% escalator. Bonding is only used for large building projects.

RESEARCH FINDINGS – WHAT DID THEY SAY

What did Lisbon say?

Bond Rating = nr/nr, Population = 8819, Median Household Income = \$57,568, Town Valuation = \$614,600 FY 2021 Budget (Municipal) = \$8,923,285

Diane Barnes has been Lisbon's Town Manager since 2014 and prior to that the Town Manager in Calais Maine.

Diane reports NO CIP Plan, but refers to an estimated 5&10 year proposed schedule. But only bond when Capital items can't be paid through the operations budget or Fund balance. The fire department reserves \$75K annually for major equipment needs. Bonding is only used for large major projects like recent sewer project or major road reconstruction..

RESEARCH FINDINGS – WHAT DID THEY SAY?

What did Old Orchard Beach say?

Bond Rating = Aa3/AA+, Population = 9001, Median Household Income = \$58,080, Town Valuation = \$1,856,850. FY 2021 Budget (Municipal) = \$19,10639

Diana Asanza has been OOB's Finance Director since 2012 and is currently serving as interim Town Manager She had previous served as Treasurer for the Town of Norwood MA.

Diana reports a 5 and 10 yr plan. OOB maintains a special reserve account, broken into 4 buckets to support CIP needs (PS, PW, WW, and Admin). Charter requires any single expenditure >\$500K go to voters on referendum whether for bonding or direct expense. Large Equipment are Lease Purchases. Bond savings have utilized strictly for debt service, not new CIP needs.

RESEARCH – WHAT DID THEY SAY?

What did Raymond say?

Bond Rating = nr/AAA, Population = 4504, Median Household Income = \$76,579, Town Valuation = \$1,175,550. FY 2021 Budget (Municipal) = \$5,738,444

Alex Aponte is Raymond's Finance Director. He has only been with Raymond 5 months and previously in the non-profit and private sectors.

Alex reports a 1 and 5-year plan although there may be a longer term plan he has not yet seen. The annual request for equipment is funded through the budget as are appropriations toward reserves for future equipment needs. Only two bonds currently on the books – 2013 & 2015. He has not yet acquired historic insight as to what purchases those supported.

RESEARCH – WHAT DID THEY SAY?

What did South Berwick say?

Bond Rating = Aa3/AA+, Population = 7630, Median Household
Income = \$88,262, Town Valuation = \$758,700. FY 2021I Budget
(Municipal) = \$7,567,212

Jennifer Janelle is S. Berwick's Finance Director.

Jennifer reports a 5-yr plan. South Berwick maintains a special
reserve and uses that together with financing for equipment
purchases. Bonding is only for Buildings, but mostly use reserves.

RESEARCH – WHAT DID THEY SAY?

What did Standish say?

Bond Rating nr/nr, Population = 10078, Median Household Income = \$74,688, Town Valuation = \$1,198,800. FY 2021 Budget (Municipal) = \$10,678,790

Bill Giroux is Standish's Town Manager since 2018, prior to that he served as its interim Town Manager.

Bill reports a 10-yr plan. Standish relies on annual 10-year bond notes to support CIP needs, with the exception of buildings with a longer term.

RESEARCH FINDINGS – WHAT DID THEY SAY?

What did Topsham say?

Bond Rating = nr/AA+, Population = 8754, Median Household Income = \$7,968, Town Valuation = \$1,005,550. FY 2021 Budget (Municipal) = \$12,064,357

Kathy Ricker is Topsham's Finance Director. She previously served as Finance Director in Raymond, Controller for the City of Portland, and Finance Director in Lisbon.

Kathy reports a 5 and 10-yr plan and states that Topsham relies on reserves to fund CIP.

RESEARCH – WHAT DID THEY SAY?

What did Windham say?

Bond Rating = Aa2/AA+, Population = 18395, Median Household Income = \$78,284, Town Valuation = \$2,272,500. FY 2021 Budget (Municipal) = \$23,017,113

Barry Tibbets is Windham's Town Manager. Prior to his appointment in March 2020 he had served as interim manager. He previously served as Town Manager for Kennebunk Maine for 19 years.

Barry reports a 5 yr detailed plan and a 10 yr look out. Windham had not used bond financing for CIP in many years, but recently financed \$1.9M and expects to again to catch up on projects. They are anticipating bonding for paving.

RESEARCH FINDINGS – WHAT DID THEY SAY?

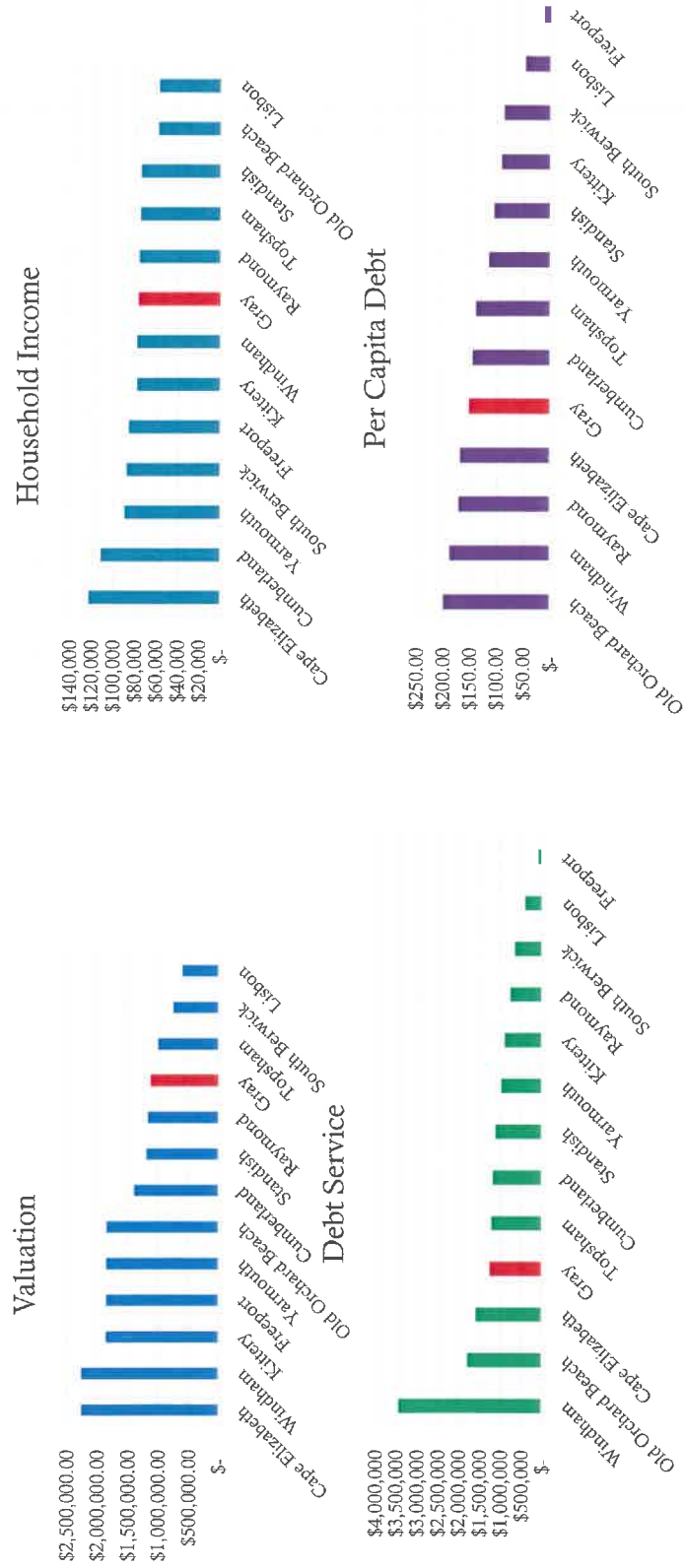
What did Yarmouth say?

Bond Rating = Aa2/AA+, Population = 8529, Median Household Income = \$89,984, Town Valuation = \$1,863,100. FY 2021 Budget (Municipal) = \$13,165,104

Dawn Madden is Yarmouth's Finance Director since 2010. Dawn had previously held positions in accounting. Most recently for the State Dpt of Corrections and prior to that in the private sector.

Dawn reports a 5 and 10 year plan. Yarmouth uses reserves to fund CIP but does bond occasionally if needed.

TRENDS



CONCLUSIONS & RECOMMENDATIONS

Conclusions from the information gathered from the towns we surveyed:

- Each town's circumstances dictated the type of funding (Reserves, Lease-purchase, Tax-flow Funding, Bonding) they sought.
- Solid discipline and good planning to achieve the town's vision are fiscal "critical success factors".
- Most towns emphasized the use of reserve and use annual tax-flow to fund Capital Improvement projects, when possible.
- Most towns only utilized bonding for buildings or large purchases with a lengthy useful life.
- Most towns managed/leveled-out their CIP expenditures to create a near-consistent annual CIP Expense - so to fit within tax in-flow and avoid bonding when possible
- **Key finding: Each town's financial circumstances can be controlled through good fiscal policy; again discipline, good planning and preparedness are important to fiscal success.**

CONCLUSIONS & RECOMMENDATIONS

Recommendations resulting from conversations with the towns we surveyed:

- Bonding duration should not exceed the useful life of object(s) purchased through the bond.
- A minimum dollar threshold should exist for any item to be included in “Capital Projects”.
- The Town of Gray should differentiate funding approaches to:
 - Buildings
 - Land
 - Vehicles and Equipment
 - Technology and other capital improvement with a short life-cycle
- **The Town of Gray should continue to work toward a phased implementation of reliance on reserve accounts for all but the highest cost capital projects, ultimately working towards more reserve and less debt.**

WHERE DO WE GO FROM HERE?

- At the request of Town Council, the Gray Finance Committee has researched, distilled data, compiled conclusions, and presented recommendations relative to sound Capital Improvement Planning,
- The FC has gained knowledge and insight through this project work and has enjoyed being a participant in this fact gathering project and look forward to ongoing participation in the Town's financial matters.
- The Finance Committee would like the Town Councilors' to individually share their thoughts and conclusions on the path forward for the Town of Gray after seeing this presentation.

**CHAPTER 406 SIGN ORDINANCE
TOWN OF GRAY MAINE**

Adopted August 19, 1982

Amended January 20, 1989

Amended October 3, 2002

Replacement Adopted January 15 2013

Amended August 4, 2015 / Effective September 4, 2015

Amended September 17, 2019 / Effective October 17, 2019

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ARTICLE 1 – TITLE AND PURPOSE

406.1.1 TITLE

This Ordinance shall be known and may be cited as the Sign Ordinance of the Town of Gray, Maine.

406.1.2 PURPOSE

The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and community environment.

ARTICLE 2 – DEFINITIONS

406.2.1 DEFINITIONS

Abandoned Sign: Any sign remaining or portion thereof, derelict at a location where the advertised goods or services are no longer being provided.

A-Frame: A temporary sign containing two (2) sign faces and whose framing is hinged at the apex at an angle less than forty-five (45) degrees.

Animated Sign: A sign employing actual motion or the illusion of motion.

Awning/Awning Sign: An awning which includes words, letters, figures, designs, symbols, graphics or pictorial art shall not be counted toward calculating the maximum number of signs allowed on a property, but shall constitute a wall sign for all other purposes, including the calculation of maximum aggregate sign area.

Banner Hill: The grassy knoll located on State Route 26 just northeast of the intersection of State Route 26A ("by-pass"). For the purposes of this Sign Ordinance, Chapter 406, Banner Hill shall be considered the portion of road frontage on the northeasterly side of the intersection of Routes 26 and 26A commencing at the fire hydrant ("2006" on casting, located fifty (50) feet southeasterly from CMP/Utility Pole #280) extending southeasterly two-hundred and fifty (250) feet to CMP/Utility Pole #277 (Pole #277 is located fifty (50) feet from the edge of pavement). Measurements are perpendicular to the paved road and extending the full width of the road right-of-way.

Banner Sign: A temporary sign having words, letters, figures, designs, or other specifications contained in the definition of "Sign" in this Ordinance applied to plastic, cloth, canvas, or other light flexible foldable or rollable non-rigid material that projects from or hangs from a building,

structure, pole or wire. Banner signs shall be subject to all applicable standards in this Chapter 406 and does not include pennants or flags.

Banner Sign, Commercial: A Banner Sign containing a commercial message. Off-site "Banner Signs, Commercial", are specifically prohibited.

Banner Sign, Community: A Banner Sign, utilized by a business subject to standards in this Chapter 406, containing a Non-Commercial message announcing a function or event of Town-wide interest supported the Gray Town Council.

Billboard: An advertising sign not located at the premises that it is promoting. A billboard is deemed not to be a sign as otherwise defined herein.

Bright, Brightness: The subjective attribute of visual perception in which a source appears to be emitting or reflecting light. It is the perception elicited by the luminance of a visual target. For the purposes of this Ordinance, brightness means luminance.

“Burma-Shave” Signs: Multiple sequential individual signs conveying fragments of information which cumulatively creates an entire message or similar such signs created and displayed for the same purpose.

Business, Establishment or Religious Institutions: A business, establishment, or religious institution occupying an entire building or a part of a building.

Candela (cd): A unit of luminous intensity of a light source measured perpendicular to the surface equal to 1/60th of a square centimeter of a blackbody at the temperature of solidification of platinum (2,045 degrees Kelvin). Also known as a "candle".

Canopy or Marquee Sign: A sign which is on or attached to a permanent overhang projecting from the face of the building and supported entirely or partially by the building.

Commercial Message: The promotion or display of any, logo, insignia, trademark, lettering, numbering or otherwise using words, letters, figures, designs, or other specifications contained in the definition of "Sign" in this Ordinance for a product or service of an entity operating for profit.

Contrast Ratio: The proportion of the ratio between any one or more point(s) of brightness on any sign and the average brightness level of the general surroundings of the area adjacent to the sign.

Directory Sign: A freestanding or wall affixed sign which identifies the businesses in an integrated center such as an office campus or industrial park, in whole or in part, usually with a listing or a graphic representation of some or all of the tenants at the location.

Electronic Message Display Board: A permanent message board in which one or more illuminated characters in a display may be changed by electronic means.

Entrance Sign: A sign designed to identify the entrance to a business, residential subdivision, shopping plaza, commercial office, or industrial park.

Establishment: See Business, Establishment, or Religious Institutions in this Ordinance.

Externally Illuminated: Illumination of a sign by reflecting artificial light off its surface.

Farm Stand: A roadside stand selling only farm, garden, greenhouse, nursery, or Farm Food Products. The individual or business entity operating the Farm Stand must participate in the harvesting and/or production of the majority of food/products offered for sale.

Farm Food Products: Food products of the soil not subject to State Tax including fruits, vegetables, grain and grain products, honey, nuts, and maple products. If produced on the same premises as the Farm Stand where sold, eggs, dairy products, meat and meat products (including poultry) shall be considered Farm Food Products.

Feather Sign(s): A flexible or rigid typically vertical pole to which one side is fixed a flexible fabric, generally but not necessarily in the shape of feather or similar shape using words, letters, figures, designs, or other specifications contained in the definition of Sign in this Ordinance for the purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known under the following names: Feather Banner, Feather Banner Sign, Quill Sign, Banana Banner, Flutter Flag, Bowflag, Teardrop Banner, and others. This definition includes any similarly displayed devices.

Freestanding Sign: A sign supported by one or more uprights or braces, permanently affixed into the ground. It shall not be erected in or project over the public right-of-way.

Frontage, Street: As defined in the Town's Zoning Ordinance (Chapter 402)

Grand Opening Signs: See standards in Article 5

Ground Sign: A free-standing sign, generally having a low profile where the base of the sign structure is on the ground or a maximum of twelve inches (12) above the lowest point of the ground adjacent to the sign such that the sign has the appearance of a solid base and contains information on activities or businesses. It shall not be erected in or project over the public right-of-way.

Home Occupation: As defined in the Town's Zoning Ordinance (Chapter 402).

Identification Sign: A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or outside of the premises.

Illuminated Sign: A sign characterized by the use of artificial light.

Inflatable Sign(s): Any object that can be or is inflated which is used for the purpose of advertising and/or attention-getting by the public display of visually communicative shape. Simply shaped balloons associated with Grand Opening Signs as allowed in Section 5 of this Ordinance are permitted provided that standards in this Ordinance are maintained.

Internally Illuminated: Illumination in a manner in which artificial light is projected through the signs surface. This does not include individually pin-mounted reverse illuminated solid-faced channel letters signs, often referred to as "halo-lit signs".

Industrial Park: A parcel of land classified by the Town Planner as an Industrial Park at the time of site location approval.

Motor Fuel Price Sign: Numerals designating the price per gallon or liter for a particular grade of motor fuel.

Multi-Tenant Property: A lawfully existing lot or parcel having a minimum of one hundred (100) feet of street/road frontage on a publicly owned road which has four (4) or more separate ground-level commercial establishments or units each of which having its own entrance and individual area to conduct business. If two (2) or more commercial establishments or units are occupied or utilized by the same commercial entity or parent company, they shall be considered one (1) commercial establishment or unit.

Municipal Signage: Signs erected by the Town on municipal property, and Municipal Banners erected either promoting or sponsored by the Town, or that have Town support.

Murals: A painting or pictorial representation conveying a Non-Commercial Message not containing any offensive content or language that is applied to or incorporated into a structure or wall, that can be viewed from public places, alleys, or rights-of-way. The entire area of a mural that contains any advertising, logos, or similar messaging associated with a non-residential entity shall be considered sign area for the purposes of this Ordinance.

Nit: a metric for measuring luminance equivalent to 1 Candela per square meter

Non-Commercial Message: A constitutionally protected message that is not commercial in nature. Non-commercial messages on signs typically address topics of public interest such as, but not limited to, politics, religion, philosophy, science, art, or social commentary.

Occupant: Business(es) located in a specific definable space that may be owned, rented, or leased as a unit whether a stand-alone building or portion thereof separated from other business locations by fixed walls without interior access. Multiple businesses practically functioning from the same fixed owned/ rented/ leased unit shall be considered one “occupant” for the purposes of this Ordinance specifically including Table 1.3.

Office Building: A single building of no less than 5,000 sq. ft. floor area net. As defined in the Town’s Zoning Ordinance.

Office, Business or Professional: The place within and from which a person or persons conducts a business providing, by way of example, but not limited to, a trade, professional or service to clients or customers. Business and professional offices may include, but are not limited to, offices for plumbing, electrical, and other construction trades, firms or contractors; and for lawn care and building cleaning companies; and for lawyers, doctors, accountants, engineers and other professional consultants. Personal services, as defined in the Town’s Zoning Ordinance, are not included in this definition.

Office Campus: A group of two (2) or more Business or Professional Office Buildings in a designated area served by a single main entrance.

Official Business Directional Sign (OBDS): Refer to the Town of Gray’s Official Business Directional Sign Ordinance

Off-Site Sign: A sign that advertises commercial products, accommodations, services, or activities not provided in or on the property or premises upon which it is located. Off-Site Banner Signs, Commercial, are specifically prohibited.

On-Site Sign: Directs attention to a business, industry, accommodations, profession or service conducted on the property or premises where the sign is displayed.

Open Flag: Standard flag indicating that an establishment is “open for business.” This Ordinance does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.

Permanent Sign: A sign or advertising display designed and intended for long-term use constructed of weather-resistant rigid materials that is securely attached to a building, wall, and/or sign structure in the ground. OR A sign which is constructed of rigid material and is securely attached to a building, wall, fence, or freestanding structure in the ground, and is designed and intended to be utilized for long-term display.

Person: Includes a firm, association, organization, partnership, trust company, or corporation as well as an individual, but does not include a governmental unit or entity.

Photometer: An instrument that measures light intensity in terms of luminance.

Political Sign: See standards in Article 5.

Portable Sign: A temporary sign which is not designed to be permanently affixed into the ground or to a structure. All portable signs as defined in this Ordinance shall be considered a temporary sign provided that all standards in Section 5 of this Ordinance are met and maintained.

Premises: One or more lots, tracts, plots, or parcels of land together with the building(s) and structure(s) thereon which are in the same ownership and are contiguous.

Professional: See definition of Office, Business, Professional in this Ordinance.

Property Identification Sign: A sign designed for the purpose of identifying a residential or commercial property by street address, primarily in the interest of public safety

Projecting Sign: A sign that is wall-mounted, perpendicular to the building surface. In no event shall a projecting sign project into the public right of way or be higher than the roof of the building to which it is attached.

Public Notice Sign: A temporary sign containing a Non-Commercial message for the primary purpose(s) displaying information of a civic, social, or religious nature. Such a sign may have a surface which allows the use of removable letters subject to standards in this Ordinance.

Push-Through signage: Word(s), letter(s), figure(s), design(s), number(s), logo(s), specifications contained in the definition of Sign in this Ordinance or similar advertising on a sign that extends through and/or beyond the front surface of a sign face that may or may not be internally illuminated.

Push-Through flush signage: Push-through style signage that does not extend beyond the front surface of a sign face.

Real Estate Sign: a temporary sign which advertises the lease or sale of land, space or structure.

Religious Institutions: See Business, Establishment or Religious Institutions in this Ordinance.

Retail Trade: As defined in the Town's Zoning Ordinance.

Roof Sign: A sign installed on top of, or over, the roof of a building with the principal support on the roof structure.

Shopping Center: A group of retail stores and/or office having a minimum of 25,000 sq. ft. of floor area net as defined in the Town's Zoning Ordinance.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. For the purpose of this Ordinance any logo, and/or lettering painted on or adhered to the exterior sheathing, wall or roof of a building shall be considered a sign. Graphics and pictorial art work are allowed on signs and shall be considered a part of the sign and shall constitute sign area.

Sign Area: The area of a sign (which is also the area of a wall sign or other sign with only one (1) face). Sign area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself (refer to Diagrams 1 and 2).

Subdivision: The term shall be defined as in Title 30-A M.R.S.A. § 4401, sub-§4, as amended.

Temporary Sign: A sign or advertising display designed to be displayed for a limited amount of time as defined in Article 5 of this Ordinance constructed of lightweight or flexible material designed and intended to be on display for short time periods and is easily installed and removed using ordinary hand tools. A Portable Sign, as defined in this Chapter 406, shall also be considered to be a temporary sign provided that standards established in Section 5 and in this Chapter 406 are maintained.

Town: Means the municipality or Town of Gray, Maine.

Wall Sign: Any sign mounted parallel to or painted on the wall of a building extending not more than six (6) inches from that surface.

ARTICLE 3 – SIGN DISTRICTS & TABLES

406.3.1 DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Gray’s Shoreland Zoning, Zoning and Overlay District(s) have been classified into three (3) Sign Districts:

Residential District: This district is comprised of the following Zoning Districts per Chapters 402 & 403: Rural Residential & Agriculture District (RRA), the Lake District (LD), the Medium Density District (MD) Zoning Districts, and the Mobile Home Park Overlay District (MHP). This district also includes the following Shoreland Zoning Districts: Limited Residential (LD), Stream Protection (SP) and Resource Protection (RP).

Business District: This district incorporates the following Zoning Districts per Chapters 402 & 403: Business Development Districts (BD-1 & 2), the Commercial District (C), Business Transitional-1 & 2 (BT-1 & 2), and the Wellhead Protection Districts 1 and 2 (WH1 and WH2) Zoning Districts. This district includes the Limited Commercial (LC) Shoreland Zoning District.

Village District: This district includes both the Village Center District (VC) and the Village Center Proper District (VCP) Zoning Districts per Chapter 402.

406.3.2 TABLES

The Tables in this Section 406.3.2 establish the following:

- Table 1.1: Sign Types permitted by Sign District
- Table 1.2: Maximum aggregate sign area by Sign District
- Table 1.3: Sign requirements by Sign District

This table defines the allowable sign types and sizes by District. ‘P’ designates a permitted sign within a specific district. ‘N’ designates signs that are not permitted.

Table 1.1: Sign Type permitted by Sign District

Sign Type	Residential	Business	Village
A-Frame	P	P	P
Animated	N	N	N
Billboard	N	N	N
Banner Signs-Commercial-Temporary	N	P	N
Banner Signs-Community-Temporary	P	P	P
Canopy or Marquee	P	P	P
Directory	P	P	P
Electronic Message Display Board*	N	P	N
Entrance	P	P	P
Externally Illuminated	P	P	P
Feather-Temporary	N	N	N
Freestanding	P	P	P
Ground Sign	P	P	P
Home Occupation	P	P	P
Inflatable-Temporary	N	N	N
Internally Illuminated	N	P	N
Mural	P	P	P
Off-Site	N	N	N
On-Site	P	P	P
Portable-Temporary	P	P	N
Projecting	P	P	P
Property Identification	P	P	P
Roof	N	P	P

Wall	P	P	P
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* Municipality owned signage is exempt from district requirements.

All other sign types are prohibited.

Table 1.2: Maximum aggregate sign area by District.

	Residential District	Business District	Village District
Maximum Aggregate Sign Area*	48 sq ft	150 sq ft	56 sq ft

* Aggregate sign area is the total sign area of all signs permitted per business or establishment, including temporary signs, with the exception of Directory signs that conform to standards in this Ordinance including but not limited to Table 1.3 below. Specific Signs established in Article 5 that are in conformance with all standards in this Chapter 406 shall not count towards Aggregate Sign Area.

This table defines the number of signs and maximum square footage of each sign type per district.

Table 1.3: Sign requirements by District.

	Residential District	Business District	Village District
Free Standing Signs			
Number Permitted Per Establishment	1 per Frontage	1 per Frontage or 1 per each 250 ft Frontage	1 per establishment
Maximum Sign Area (Square Feet)	36 sq ft per Sign Maximum total combined 36 s.f.	60 sq ft per Sign	24 sq ft per Sign Maximum total combined 24 sq ft
Maximum Height (feet)	12 ft	25 ft	12 ft
Ground Signs			
Number Permitted Per Establishment	1 per Frontage	1 per Frontage or 1 per each 250 ft Frontage	1 per Frontage
Maximum Sign Area (Square Feet)	36 sq ft per Sign	60 sq ft per Sign	24 sq ft per Sign
Maximum Height (feet)	8 ft	8 ft	8 ft
Wall Signs			

Number Permitted Per Establishment	1 per Occupant	1 per Occupant	2 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
Maximum Height (feet)	N/A	N/A	Subject to max height of 16 ft from grade
Projecting Signs			
Number Permitted Per Establishment	36 sq ft per Occupant	1 per Occupant	1 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
Roof Signs			
Number Permitted Per Establishment	1 per Occupant	1 per Occupant	1 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
Maximum Height (feet)	Maximum height shall be 7 ft above the lowest eave.	Maximum height shall be 7 ft above the lowest eave.	Maximum height shall be 7 ft above the lowest eave. Subject to max height of 16 ft from grade
Temporary Public Notice Sign			
Number Permitted Per Premises	1 Sign per street Frontage up to 2 total	1 Sign per street Frontage up to 2 total	1 Sign
Maximum Sign Area (Square Feet)	6 sq ft each Sign	24 sq ft total all Signs combined	12 sq ft total
Temporary Real Estate, Construction Signs			
Number Permitted Per Premises	1 Sign per street Frontage up to 2 total	1 Sign per street Frontage up to 2 total	1 Sign

Maximum Sign Area (Square Feet)	6 sq ft each Sign	24 sq ft total all Signs combined	12 sq ft total
Municipal Signs			
Number Permitted Per Premises	Exempt	Exempt	Exempt
Maximum Sign Area (Square Feet)	Exempt	Exempt	Exempt
Portable signs			
Number Permitted Per Premises	1 Sign	1 Sign	Not Permitted
Maximum Sign Area (Square Feet)	18 sq ft	18 sq ft	Not Permitted
Home Occupation Signs			
Number Permitted Per Premises	1 Sign per house	1 Sign per house	1 Sign per house
Maximum Sign Area (Square Feet)	6 sq ft	6 sq ft	6 sq ft
Directory Signs			
Number permitted Per Establishment	1 per Frontage	1 per Frontage	1 per Frontage
Maximum Sign Area (Square Feet)	3 sq ft per Occupant	3 sq ft per Occupant	3 sq ft per Occupant
Maximum Height (feet)	8 ft	8 ft	8 ft
Maximum Width (feet)	7 ft	7 ft	7 ft

ARTICLE 4 – PERMITS AND CONFORMANCE

406.4.1 SIGN PERMITS

- A. Permit Required: Except as otherwise provided herein, any sign or advertising device of any nature may not be erected or altered on a lot or affixed to the exterior of any building, structure, or the like without first obtaining a sign permit from the Code Enforcement Officer (CEO). Applications shall be on forms prescribed and provided by the CEO setting forth such

information as may be required by him/her for a complete understanding of the proposed work including applicable fees.

- B. Sign Permit Submission Requirements. All sign permit applications shall include:
1. A plot plan showing the proposed location of the sign showing setbacks to all property lines, easements, and rights-of-way.
 2. Color scaled drawings, including elevational renderings, showing building dimensions of all components of the sign as necessary including but not limited to types of materials, wording, colors, along with all proposed illumination. The CEO may require a visual depiction of where the sign is proposed to be located on the subject property.
 3. Day and night renderings, including light color temperatures and illuminance/luminance brightness are required for any illuminated sign.
- C. Registration Required for types of Temporary Signs: Prior to installing or displaying any of the following types of Temporary Signs, the sign must obtain verification of registration from the CEO:
1. Portable
 2. Grand Opening
 3. Banner-Commercial
 4. Banner-Community
 5. Subdivision
- D. Sign Permit Fees: Permit Fees are specified in the Town's Municipal Fee Schedule (from current 406.9.1)

406.4.2 MAINTENANCE AND CONFORMANCE OF SIGNS

- A. No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted or otherwise printed and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community as otherwise provided herein, or constitute a distraction or obstruction that may contribute to traffic accidents.
- B. Legally erected non-conforming signs installed prior to adoption of this Ordinance amendment may continue usage if:
1. Regular repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, replacement of parts and light bulbs, are performed, provided that repainting shall not include a change of copy.
 2. Replacement panels replicate or convey the same business or activity conducted or product sold as the original panels.
- C. Legally erected non-conforming sign(s) installed prior to adoption of this Ordinance amendment may not continue usage if one or more of the following are met:

1. The sign no longer advertises a bona fide business or activity conducted on premises, product sold, or public notice or is an abandoned sign.
 2. The sign becomes or is in disrepair. It shall be removed upon order of the CEO if not repaired within thirty (30) days after written notification from the CEO. Any new sign must conform to this Ordinance.
 3. The sign requires changes to the display surface if the advertised business or activity conducted or product sold is changing from the original.
 4. There is a change in ownership in the premises, resulting in a change in business name, since the adoption of the Ordinance.
 5. The sign is moved for any reason for any distance or the sign is temporarily removed along with its supporting uprights or braces, in which event it shall be required to conform to this Ordinance when re-assembled.
- D. In no case, may the replacement or repair of any sign existing prior to adoption of this Ordinance be less compliant than the original. Any replacement panels or repaired sign(s) are subject to the review of the CEO to ensure compliance with the standards set forth in this Section 406.4.2.
- E. Any sign deemed inconsistent with this Ordinance shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after the activity has ceased, or if the removal has not occurred, within thirty (30) days after written notification from the CEO.
- F. If there is a change of use on a property and there were one or more on-premise non-conforming signs which advertised the former business or use, any new signs used, and all new sign(s) faces for the new use or business must meet all sign requirements in this Ordinance.
- G. No non-conforming sign shall continue to be used or allowed to remain following any activity that requires Site Plan Review approval as established in the Zoning Ordinance.

ARTICLE 5 – TEMPORARY SIGNS AND BANNER SIGNS

406.5.1 TEMPORARY SIGNS

Temporary signs in this Article 5 are permitted and shall conform to standards within municipal, state or federal Ordinances, statutes or regulations and this Ordinance, including Tables 1.1, 1.2 and 1.3 in Article 3 of this Ordinance.

406.5.1.2 TEMPORARY SIGN STANDARDS

- A. Except as expressly allowed in this Ordinance, Temporary sign(s) conveying any type of commercial message shall not be erected or maintained on any of the following:
1. A traffic control signal or device

2. A public utility pole or fixture
3. A rotary traffic island
4. A tree or public property or within a public right-of-way
5. A control-of-access right of way area
6. A median of less than six (6) feet wide

406.5.1.3 TEMPORARY SIGNS NOT REQUIRED TO OBTAIN A PERMIT

The following types of Temporary Signs shall maintain compliance with all applicable standards and shall not be required to obtain a permit from the CEO:

- A. **Public Notice Sign:** Signs of a temporary nature, not including banners, that display advertisements of charitable functions, notices of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed twenty-one (21) days in any one calendar year and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling their function. Temporary signs specified in this section shall not be attached or painted to fences, trees, or other natural features, or utility poles and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
- B. **Political Signs:** Temporary political signs on public property or within public rights-of-way shall be permitted as provided by State law. Political signs are prohibited from all Town-owned properties except the public rights of way as otherwise provided by state law. Political signs are specifically prohibited on Banner Hill as defined in this Ordinance.
- C. **Real Estate Signs:** a temporary real estate sign advertises the lease or sale of land, space or structure. Unless prohibited by State Authorities, one off-premises Temporary Real Estate sign and/or one temporary Real Estate sign bearing the message “Open House” may be placed without obtaining a permit at the entrance to a dead-end or cul-de-sac street for the purpose of directing motorists to property for sale on that street. All other real estate signs must be physically located on the actual property for sale or lease, and only one sign may be located per street frontage. Real estate signs must be removed within ten (10) business days of the date of sale or lease of property. The Town’s Public Works Department or Code Enforcement Officer (CEO) shall have the authority to remove signs that remain after the ten (10) day period, and violators will be charged for the cost of removal. If legal action is necessary to collect fines, violators must also reimburse the Town for associated legal and court costs. Additionally, the Town will not issue building permits or permit the erection of new signs for the property cited for a sign violation until all fines and costs have been paid.
- D. **Open Flags:** In addition to the maximum number, total square footage per lot and size of permitted signs, “Open” flags are permitted in all districts subject to the following conditions:
 1. Only one flag per business establishment shall be permitted.
 2. The flag shall be flown only during open business hours.

3. The flag area is limited to a maximum of sixteen (16) square feet.
 4. Flag design shall be limited to the standard "Open" type.
 5. No logos, signage or advertising for the respective business(es) of any size or type is permitted.
 6. This section does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.
- E. **Farm Stands:** To the extent permitted by State law (see Title 23 M.R.S.A., Part 1, Chapter 15, subchapters 1 & 2 and other relevant State Statutes), the operator of a Farm Stand, as defined herein and by State law, may install a maximum of five (5) sandwich-board style signs between June 1st and November 15th of each year for the purposes of directing motorists to the location where agricultural products are offered for sale provided that the standards in this Ordinance and the following are met and maintained:
1. A maximum of two (2) on-premises and three (3) off-premises signs shall be permitted.
 2. Each sign shall be thirty-six (36) inches or less in height and may not exceed six (6) square feet in Sign Area.
 3. Signs shall not be clustered together and "Burma-Shave" style signs (sequential) are specifically prohibited.
 4. All signs shall constitute Sign Area for the purposes of calculating Maximum Aggregate per Table 1.2 herein.
 5. All signs shall be chalkboard or whiteboard and no changeable copy is permitted.
 6. No add-ons such as balloons, flags, streamers, or lighting are permitted.
 7. All signs shall be safely secured with, for example, weights but shall not be affixed to the ground if they are within a road right-of-way.
 8. No sign shall adversely affect motorist sight distance, pedestrian and/or bicycle traffic, nor infringe upon accessibility for handicapped individuals.
 9. Subject to State law requirements, maximum of two (2) "on-site" sign(s) may be located within fifteen (15) feet of the entrance or the property line and within the right-of-way, subject to "h" above, at the sign-owners risk and the issuance of an revocable license agreement and waiver of liability are executed and permission by the Town.
 10. Subject to State law requirements, maximum of three (3) "off-site" sign(s) must be located within one (1) mile of the Farm Stand, not within a road right-of-way, and only on private property with the consent of the property owner(s).

11. The three (3) "off-site" sign(s) detailed above in this section 406.7.1.11 shall not require issuance of a permit by the CEO.

406.5.1.4 TEMPORARY SIGNS REQUIRING REGISTRATION

The following types of Temporary Signs shall maintain compliance with all applicable standards and shall be required to obtain verification from the CEO that the sign is registered per Section 406.4.1.C:

- A. Portable Signs:** Portable signs on movable frames, whether or not the wheels have been removed, shall be prohibited in the Village zone. No person shall park any vehicle or trailer or truck trailer on a public right-of-way, public property or on private property visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of products or directing people to a business or activity. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to business or commercial vehicles (see Motor Vehicle Signs in Article 7) Portable signs may be permitted for a period not to exceed twenty-one (21) days in any one calendar year and shall be removed by the person(s) who posted the signs.
- B. Grand Opening Signs:** One (1) Temporary Grand Opening sign may be installed on the premises of a newly opened business. Business establishments located on corner lots may install two (2) Temporary Grand Opening signs. Temporary Grand Opening signs may be in the form of a banner or window sign. A Temporary Grand Opening sign shall be displayed for no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Grand Opening sign shall conform to standards in this Ordinance.
- C. Banner Sign Standards:** All Banner signs shall comply with the following standards:
1. Registration verification from the Code Enforcement Officer shall be required prior to being affixed and able to be viewed by the public.
 2. Banner Signs-Commercial shall be subject to standards in Section 406.5.3 below and Banner Signs-Community shall be subject to standards in Section 406.5.4 below.
 3. **Construction:** All Banner Signs in a vehicular public right-of-way, or within twenty (20) feet of a public ROW shall be constructed in accordance with the following standards:
 - a. Grommets: All Banner Signs displayed on Banner Hill or over a private vehicular accessway shall have grommets placed every 18 inches near to the edges of top and bottom of the Banner Sign. Banner Signs in excess of 30 inches in height shall have grommets place at least every 12 inches at both ends of the Banner Sign.
 - b. Wind Deterrents: All Banner Signs shall have wind flaps cut into the Sign every 3 feet approximately 5 inches in height and width.

- c. Banner Signs shall be made of durable tear resistant reinforced vinyl, canvas, or other light flexible fabric like material that is designed to be weatherproof medium and able to withstand wind-driven precipitation events.
 - d. Banner Signs must meet and maintain all the requirements of state and local law.
4. **Width and Height:** Unless specifically allowed in Section 406.5.1.4.F below, All Banner Signs shall conform to the following maximum Width and Height:
 - a. Width: Maximum width is 18 feet.
 - b. Height: Maximum height is 36 inches.
 5. Banner Signs shall be a single unit. At no time shall two (2) Banner Signs be hung together to make one unit (unsafe during windy conditions).
 6. Banner Signs shall not be illuminated and shall not include or utilize any reflective materials.
 7. Banner Signs shall be securely fastened on all sides to a permanent on-site structure such as a building, fence, or wall. The fastening must be sufficient to ensure that it will remain in place for weather events.
 8. Banner Signs shall be continuously maintained in good condition.
 9. Signs shall only advertise events that are to take place within the Gray municipal limits, or that are sponsored by or raise funding for organizations located within Gray unless specifically allowed by the Gray Town Council.

D. Standards for Banner Signs-Commercial: The following provisions relating to Banner Signs-Commercial are applicable in all permitted Districts:

1. Banner Signs displayed in accordance with all applicable standards shall not count towards Maximum Aggregate Sign Area established in Table 1.2 of this Ordinance.
2. Banner Signs shall be displayed for a maximum of four (4) time periods each calendar year. Each period may not run more than thirty (30) consecutive days. After each display period, no successive Banner Sign may be displayed for at least sixty (60) calendar days).
3. Banner Signs shall comply with Banner Sign standards per 406.5.1.4.C. above and shall not exceed fifty-four (54) square feet or ten (10) percent of the side of the building (not counting roof area) that faces the vehicular access to the property, in which case whichever is greater shall apply.
4. Only one (1) Banner Sign shall be allowed at any one time per establishment.

5. Banner Signs shall be on the same site as the sponsoring establishment. Off-Site Banner Sign(s) is specifically prohibited.
6. Banner Signs shall be at least ten (10) feet above ground level.
7. In no event shall any Banner Sign be utilized as any part of the Permanent Signage for any property or establishment.
8. Banner Signs must be removed within forty-eight (48) hours after the event.
9. Off-Site Banner Signs are specifically prohibited. Commercial Banners must only be placed on the business premises.
10. Unless attached to a permanent principal building, not an accessory structure, Banner Signs-Commercial shall not be located less than ten (10) feet from the front property line, edge of the right-of-way, or thirty-three (33) feet from the centerline of a publicly owned or maintained road, whichever measurement is further away from the road accessing the property where the Banner Sign is placed. In no event shall Banner Signs shall be mounted or project into any public right of way.
11. Banner Signs-Commercial shall not be placed on any parcel or any property that sells, stores, and/or dispenses motor fuel(s).

E. Banner Signs-Community Standards: The following provisions relating to Banner Signs-Community are applicable in all permitted Districts:

1. When the Town of Gray sponsors or co-sponsors a program for a special public event, with or without co-sponsors, public property may be used to promote and identify the special event.
2. Off-site signs used to advertise parades, festivals, charitable or educational fundraisers, sports league sign-ups, holiday home tours and similar events are allowed provided that the standards in this Ordinance are adhered to.
3. Signs shall not be placed more than thirty (30) days in advance of the event and shall be removed no later than five days after the conclusion of the event.
4. The cumulative area of all commercial messages, specifically including logos, shall not exceed ten (10) percent of the Banner Sign Area for any banner located less than two-hundred (200) feet from a publicly-owned road.
5. Except as specifically provided for below for Town-owned recreational fields located on a parcel that is at least two hundred (200) feet from a publicly owned road, the cumulative area of any banner sign(s) on any one property shall not exceed fifty-four (54) square feet nor shall any one banner be more than three (3) feet high or more than eighteen (18) feet wide.

6. Standards specifically applicable for Town-owned recreational fields located on a parcel that is at least two hundred (200) feet from a publicly owned road:
 - a) One seasonal banner on each publicly owned recreational field shall be permitted provided that it does not exceed nine hundred and sixty (960) square feet nor more than twelve (12) feet high nor more than eighty (80) feet wide.
 - b) Seasonal banners shall not be installed or displayed for longer than one hundred and eighty (180) days in any calendar year.
 - c) The cumulative area of all commercial messages on a seasonal banner, specifically including logos, shall not exceed fifty (50) percent of the banner sign area.
 - d) Individual seasonal banners less than twenty (20) square feet shall be permitted to display predominantly commercial advertising provided that the purpose of such signs is to support public non-profit community organizations.
7. **Priority Order of Banner Pole Use:** The priority of use for Banner Hill, as defined herein, shall be determined by the following order unless specifically approved by the Gray Town Council:
 - a) Town of Gray and MSAD 15 community events including but not limited to the Crystal Lake Ice Fishing Derby, Patriot 5K, Crossroads Challenge, Gray Fire/Rescue Barbecue, Blueberry Festival, and other Town-sponsored or co-sponsored events.
 - b) Town of Gray Recreation Department sign-ups/events.
 - c) Approved non-profit, non-religious organizations/feeder program(s) sign-ups for sports season(s) and sports camp(s).
 - d) MSAD 15 School events.

NOTE: The desired size of Banners on Banner Hill is three (3) feet by fifteen (15) feet.

- F. **Subdivision:** One (1) temporary sign is allowed to advertise an approved subdivision site while construction is underway until the permanent 911 road sign is installed. The sign shall not contain more than twelve (12) square feet of sign area. Any such sign visible from a public vehicular travel-way shall not exceed sixteen (15) square feet of sign area and shall not be posted for more than two (2) years. One (1) additional sign not exceeding thirty-two (32) square feet depicting the overall layout of the development is allowed provided that it is located a minimum of one hundred (100) feet from a vehicular public travel-way or right of way. Standards for permanent Subdivision signs are contained in Article 7 of this Ordinance.

ARTICLE 6 – REGULATIONS ALL DISTRICTS**406.6.1 REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS**

The following provisions relating to signs are applicable in all districts.

- A. One sign identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation is allowed.
- B. One (1) bulletin board or similar sign in connection with any church, museum, library, school or similar public structure, but not exceeding twelve (12) square feet is allowed.
- C. No sign, except traditional barber poles for licensed barber shops, shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of banners, pennants, ribbons, streamers, spinners or other similar devices. In addition, “Open” flags are permitted only as described in Article 5 of this Ordinance.
- D. Any sign, or portion thereof, which no longer advertises a bona fide business conducted, product sold, activity being conducted, or public notice, shall be taken down and/or removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign is located within ten (10) days after the activity has ceased, or if the removal has not occurred, within thirty (30) days after written notification from the CEO. Temporary signs shall be removed in accordance with Article 5 of this Ordinance.
- E. District setback requirements as established in the Town’s Zoning Ordinance shall not apply to signs; however, no part of any sign shall project over or be within the public right-of-way if it is located in a zoning district which has a front setback building requirement. No ground or portable signs shall be permitted in the public right-of-way. Signs located in any business sign district, as established in Section 406.3.1 above, shall be set back a minimum of five (5) feet from the edge of the public right of way including any overhanging portions of the sign.
- F. In addition to the maximum number and size of signs permitted, directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than three (3) feet above ground level, are permitted with issuance of a CEO permit evidencing compliance with this Ordinance.
- G. Non-conforming signs may continue only as referenced in Article 4 of this Ordinance, but may not be rebuilt or relocated on the same premises; however, non-conforming signs located on land which is acquired for governmental purposes may be relocated on the same premises.
- H. In addition to the maximum number and size of permitted signs, identification signs may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.

- I. A sign with an identical double signboard or display area (two back-to-back sign faces) shall be construed to be one sign for the purpose of this Ordinance.
- J. Any sign added or attached to a sign's upright or brace by any means shall be considered part of the sign area and will be included in calculating the permitted signs total area.
- K. Murals are allowed in all districts, but may not contain any advertising, commercial messages, or logos. Such murals are still subject to all requirements of any zoning standards which may apply and are considered public art. The entire area of a mural that contains any advertising, logos, or similar associated with a non-residential entity shall be considered sign area for the purposes of this Ordinance.
- L. No sign shall obscure required vehicular sight lines from any driveway or roadway intersection or cause a safety hazard to pedestrians or motorists. The CEO or the Town's Public Works Department shall have the authority to remove any such sign.
- M. No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance, as specifically prohibited elsewhere in this Ordinance due to illumination, placement, display, or manner of construction.
- N. For the purpose of this Ordinance, the term "sign" does not include signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, Ordinance or governmental regulation, nor to a "name sign" not exceeding one (1) square foot in area identifying the name(s) of the residents of the premises where such sign is located.
- O. No lighted sign, including a non-conforming sign that is replaced or relocated shall be placed within eight (8) feet of the drip lines of any overhead utility wires and their appurtenances. This requirement is not subject to variance or waiver.
- P. If the ratio of the actual sign area to the overall sign (including borders and all portions of the supporting structure not counting a planter base) exceeds two (2.0), the entirety of the perimeter of the sign, specifically including the supporting structure, shall be counted as sign area.
- Q. Unless specifically exempted in this Ordinance, if any portion of the supporting structure contains visible logo(s), number(s), lettering, or similar, the entire supporting structure shall be considered sign area.
- R. The lighting of neon or other illuminated tube-type signs or advertising device is specifically prohibited.
- S. "Burma-Shave" Sign(s), as defined in this Ordinance, are specifically prohibited in all Sign Districts
- T. A string of lights shall not be used for the purpose of advertising or attracting attention. This paragraph shall not prohibit temporary decoration of buildings during holiday season when such decoration is customary.

ARTICLE 7 – SPECIFIC STANDARDS

406.7.1 SPECIFIC STANDARDS

- A. The standards contained in of this Article 7 shall apply on a per building basis. In calculating allowable signage, each principal building together with its accessory buildings or structures, if any, shall count as one building.
- B. Signs Excluded from this Section:
 - 1. Signs displayed within the interior of a window of a building if the sign or grouping of signs does not occupy more than one-third of the surface area of such window or 10% of the wall area upon which the window is placed, whichever is more restrictive;
 - 2. Identification signs as described in Article 6 Section 406.6.1.H of this Ordinance.

406.7.2 WALL, PROJECTING, AND ROOF SIGNS

Unless otherwise provided, wall, projecting and roof signs shall not extend more than six (6) inches from the wall to which it is attached or party wall separating occupancies into the wall area of other premises. Wall, Projecting, or Roof Signs shall not exceed 25% of the wall area or roof on which they are located and/or attached.

406.7.3 ELECTRONIC MESSAGE DISPLAY BOARD STANDARDS

All electronic message display boards shall have dark/black background and utilize only amber-colored lights.

- A. The numbers or letters shall consist of a single row of pixels.
- B. Electronic Message Display Boards constitute sign area and shall be maintained to conform the following standards:
 - 1. Except for time and temperature information, changeable signs may change no more often than once per minute.
 - 2. Time/date/temperature information must be displayed for a minimum of three (3) seconds each time it is shown.
 - 3. When changing messages, the message must change instantly and may not include any phasing, rolling, flashing, blending, or any such similar change of messages.
 - 4. Streaming of information or video animation is not permitted.
 - 5. While being displayed, the message shall remain fixed with no flashing, phasing, rolling, scrolling, blending, or any such similar display of information.
- C. Brightness and Illumination Standards: In addition to the maximum brightness/illumination established in Section 406.7.4 in this Ordinance, brightness measurements shall be measured by the following procedure and conform to the following standards:

1. For determining night-time maximum brightness standards, measurements shall be taken at least one-half hour past sunset until one-half hour prior to sunrise. For determining daytime maximum brightness standards, measurements shall be taken at least one-half hour after sunrise and until one-half hour prior to sunset. Measurements shall use a calibrated, certified photometer to record the ambient light reading for the area adjacent to the sign while the electronic message center is off or displaying all black copy.
2. The reading shall be taken with the photometer aimed directly at the electronic message center filling the central circle of the viewfinder (the "measurement area") at the distance established in Section 406.7.4 of this Ordinance. If the sign being measured contains multiple colors, the photometer shall be positioned such that an area of the sign displaying all white fills the measurement area. It may be necessary to move the photometer closer to the sign area until this can be accomplished.
3. For the purposes of measuring electronic message centers that contain only amber lights, it may be necessary to turn on the electronic message center to full amber copy and take another reading.
4. The difference between the two readings shall not exceed the standards in Section 406.7.4 of this Ordinance.

406.7.4 ILLUMINATED SIGN STANDARDS

All types of illuminated signs shall meet and maintain all of the following standards specifically including, but not limited to, internally illuminated signs, externally illuminated signs, electronic reader boards, and electronic gas price signs:

- A. The light source, whether internal or external, shall be shielded from view and shall not create a hazardous glare for pedestrians or motor vehicles either in a public right of way or on any private premises.
- B. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any right of way or abutting property.
- C. Internally-lit signs shall have opaque or dark background to minimize glare and lighting impacts.
- D. If a sign is internally illuminated, the use of white or light-colored background should be avoided. If white or light-colored is used in the background, not more than thirty percent (30%) of the internally illuminated area of the entire sign face may be of such color. This 30% maximum shall not be eligible for a waiver appeal as established in Article 9 of this Ordinance.
- E. All internally illuminated signs shall be equipped with an automatic dimming feature that reduces the intensity of the sign in accordance with standards in this Ordinance. This equipment shall not be able to be controlled from the business premises and shall be fixed by the sign company.

- F. The Light Color Temperature of any illuminance or luminance not including logos or light color temperatures associated with proprietary letters, numbers, or characters, whether internal, external, push-through, or otherwise shall be between 2700 and 4000 utilizing the Kelvin scale.
- G. Maximum Luminance: The illumination level or brightness of any portion of the face of the sign shall not exceed any of the following standards:
1. 150 Nits from the period of time from one-half hour before sunset to one-half hour after sunrise (Nighttime) and 3,000 Nits from one-half hour after sunrise to one-half hour before sunset (Daytime). The Planning Board may allow an increase in the daytime illumination level to not more than 5,000 Nits if the applicant demonstrates during Site Plan Review that the higher level is necessary for the sign to be readable in anticipated ambient light levels.
 2. The contrast ratio between any one or more point(s) of brightness on any sign and the general surroundings of the area adjacent to the sign shall not exceed forty (40).
 3. 0.5 Footcandles at boundary of ROW or any abutting parcel measured at the property line.
 4. 0.3 Footcandles over ambient lighting conditions when measured at the most current International Sign Association (ISA) recommended distance based on sign size.
- NOTE:** 2020 ISA standards specify the following for square feet (SF) of sign area vs. measurement distance: 10 SF @ 32', 20 SF @ 45', 30 SF @ 55', 40 SF @ 63', 50 SF @ 71', 60 SF @ 77', 80 SF @ 89', and 90 SF @ 95'.
- H. The measurement and recording of Daytime and Nighttime luminance shall be in accordance with the following:
1. Luminance shall be measured using a calibrated, certified photometer.
 2. The photometer shall be positioned for measurements such that the sign being measured fills the central circle of the viewfinder (the "measurement area"). If the sign being measured contains multiple colors, the photometer shall be positioned such that an area of sign displaying all white fills the measurement area, it will be necessary to move the photometer closer to the sign until this takes place.
- I. If any part of the supporting structure of any sign(s) contains or utilizes any type of internal illumination, the entire supporting structure shall constitute sign area.
- J. Prior to illuminating the sign, the owner of the sign shall provide written certification to the Code Enforcement Officer from the duly qualified supplier and/or installer, as appropriate, that the message board sign conforms to the standards for the maximum illumination levels and that the controls for illumination are in conformance with this Ordinance.
- K. Open Flags (Moved to Article 5)

406.7.5 FUEL DISPENSING CANOPY SIGNS STANDARDS

Signs on any canopy covering a fuel dispensing area shall not extend beyond the edges of the canopy and shall comply with one of the two following provisions:

- A. No sign shall exceed 15% of the square footage of the side of the canopy upon which it is located. No side shall contain more than one (1) sign.
- B. The total area of signs on the canopy shall not exceed 9% of the total square footage of all sides of the canopy. No canopy shall have more than two (2) signs located on it.

406.7.6 CANOPY (NON-FUEL DISPENSING), MARQUEE, OR AWNING SIGNS

Canopy (non-Fuel Dispensing), Marquee, or Awning signs may be permitted provided that the sign area does not exceed 25% of the plane of the canopy, marquee, or awning on which the sign appears.

406.7.7 HOME OCCUPATION SIGNS

Unless prohibited by State authorities, one non-internally illuminated off-premises sign identifying the name, address, and profession of a permitted home occupation is allowed provided that such sign does not exceed six (6) square feet and may be placed (subject to necessary permission from property owner(s)) at the entrance to a dead-end or cul-de-sac for the purpose of directing motorists to the location of the Home Occupation.

406.7.8 MENU BOARD SIGNS

A menu board installed at the point where customers place their orders at a drive-thru restaurant which does not exceed 32 square feet of gross display area and the location of which has been approved by the Planning Board under the Site Plan Review standards, shall not be counted as a sign in applying the dimensional requirements of this Ordinance.

406.7.9 MOTOR VEHICLE SIGNS

- A. Signs on, attached to, or affixed to motor vehicles are not subject to this Ordinance unless they have the effect of circumventing restrictions or limitations imposed herein. A sign on a motor vehicle will be presumed to have the effect of circumventing this Ordinance if the vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exist:
 - 1. The vehicle is not registered.
 - 2. The vehicle is not inspected.
 - 3. The sign is larger in any dimension than or extends beyond any surface of the vehicle to which it is placed, attached, or affixed.

4. The vehicle is parked or stored continuously in the same location.
 5. The vehicle is parked or stored in an area not designed, designated, or commonly used for parking.
 6. The vehicle is regularly parked or stored in the front yard or in the public right of way adjacent to the front yard.
 7. The vehicle is regularly parked or stored in a location where a sign would not be permitted by this Ordinance.
- B. The presumption that a vehicle has the effect of circumventing this Ordinance may be rebutted by evidence that the vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event, or location.
- C. **Farm Stands:** (Moved to Article 5)

406.7.10 STATE OF MAINE LIMITED SIZE/HEIGHT ALLOWANCE

- A. Notwithstanding anything to the contrary in Tables 1.2 and 1.3 of this Sign Ordinance, which establish maximum aggregate sign area and maximum sign standards, an individual parcel owned by the State of Maine, located in a "residential" sign district per Section 406.3.1 of this Sign Ordinance which contains at least one hundred (100) acres and one thousand (1,000) feet of frontage on a State-owned numbered highway shall be regulated by the provisions contained within this Section 406.7.1.10.
- B. All standards not specifically detailed in this Section 406.7.1.12 within this Sign Ordinance shall be applicable.
- C. Any State-owned parcel utilizing the provisions of this Section 406.7.1.10 of this Sign Ordinance shall only contain one (1) free-standing sign for the entirety of the State-owned numbered highway frontage.
- D. The maximum sign area for the one (1) free-standing sign in this Section 406.7.1.10 is sixty-five (65) square feet. In addition, Directory Signs not exceeding twenty-two (22) square feet shall be permitted provided that they are attached to the same supporting structure and direct patrons to other uses or buildings on the State-owned property.
- E. The maximum height of the one (1) free-standing sign utilizing this Section 406.7.1.10 shall not exceed eighteen (18) feet.
- F. The free-standing sign authorized by this Section 406.7.1.10 that is in excess of thirty-six (36) square feet of total sign area per Table 1.3 of this Sign Ordinance shall be the entirety of the maximum free-standing sign area and seventy-five percent (75%) of the Aggregate Sign Area established in Table 1.2 of this Sign Ordinance.

406.7.11 ELECTRONIC MOTOR FUEL PRICE

- A. Each lawfully existing retail business which sells motor fuels to the public shall be permitted to install one (1) double-faced Electronic Motor Fuel Price Sign provided that the following standards are maintained:
1. A permit from the CEO is required prior to installing gas price signage.
 2. Only one Electronic Motor Fuel Price Sign is permitted on any one (1) property. The determination of one (1) or two (2) faces shall be per Articles 6 and 8 in this Ordinance.
 3. Electronic Motor Fuel Price Signs shall only be allowed to be placed on properties that have obtained all necessary approvals and permits to be a Auto Service Station, as established in Chapter 402, or where gasoline and other motor fuels are retailed directly to the public on the premises.
 4. Only motor fuel prices for gasoline and diesel shall be displayed. In no event shall the price of heating oil or any other products be displayed using this Section 406.7.11.
 5. All standards in this Chapter 406, Sign Ordinance shall be applicable except for deviations specifically established in this Section 406.7.11.
 6. Provided that all applicable standards in this Section 406.7.11 are followed, Electronic Motor Fuel Price Signs shall not apply to the maximum aggregate sign area established in Table 1.2 as well as the freestanding sign portion of Table 1.3 of this Ordinance.
 7. The electronic display shall have a dark/black background and amber colored lights. A white or light-colored border around the electronic portion of the sign is acceptable provided that it is not reflective. Any border around the electronic portion of the sign shall not contain any internal illumination or illumination.
 8. Only the price(s) shall be permitted to be digital lights. Any other information including the type of fuel (i.e. "unleaded") shall not be electronic, shall not be internally illuminated, and shall be permanently affixed to the sign face. The sign shall maintain an unlit background with only the illumination of the lettering, numbering or text associated with the electronic motor fuel price.
 9. The electronic prices of the motor fuel shall be fixed and shall not scroll, flash, or change intensity except for dusk to dawn auto-dimming as required in Article 7 of this Ordinance entitled Electronic Message Display Board Standards.
 10. The brightness of the electronic price portion shall adhere to the standards established in Article 7 of this Chapter 406 including auto-dimming from dusk until dawn.
 11. The size of the letters for the type of fuel and the prices shall not be less than eight (8) inches in height nor more than twelve (12) inches in height. Fractions of currency (i.e. 9/10ths) displayed may be smaller than eight (8) inches.

12. The size of the entire panel (edge to edge of *all* components) shall not exceed ten (10) square feet. This specifically includes any borders, edges, type of fuel, and price per unit. This size allows for a 2 and 1/2 foot wide by 4 foot tall panel and letters/numbers that are between 8 and 12 inches.
13. The entirety of the ten (10) sq. ft. panel shall not contain any information other than the type of fuel and the price per unit. If any advertising of any other information, products, services, or otherwise is on any part of the Electronic Motor Fuel Price panel, the entirety of the panel/cabinet shall count as Sign Area and shall not be exempt from the maximum sign area either for the individual or aggregate sign area.
14. All portions of the Electronic Motor Fuel Price sign/panel, including any overhangs or any part of the sign or supporting structure, shall be set back at least five (5) feet from the property line and/or edge of right of way, whichever is more restrictive and further from the traveled way.
15. The lowest portion of Electronic Motor Fuel Price signs shall be at least four (4) feet above ground level and the highest portion no higher than ten (10) feet. For the purposes of this measurement, ground level shall mean average finished grade within a twenty (20) feet radius of the base of the sign.
16. Electronic Motor Fuel Price signs shall not be affixed to a Fuel Dispensing Canopy.
17. The standards established in Table 1.3 of this Ordinance, specifically including the maximum of one (1) free-standing sign per establishment, shall be applicable for this Section 406.7.11. Property owners/applicants that have existing signs must make the necessary adjustments to meet applicable standards. Adding an additional free-standing sign is specifically prohibited and is not eligible for a waiver per Article 9 of this Ordinance.

406.7.12 MULTI-TENANT FREE-STANDING SIGNAGE WITHIN THE VILLAGE SIGN DISTRICT

- A. Applicability: Standards in this Section 406.7.12 shall be for Multi-Tenant Properties, as defined herein, located in the Village Sign District. Section 406.7.12 shall not be applicable in any other Sign District within the Town of Gray.
- B. Purpose: The purpose of Multi-Tenant Free Standing Sign standards is to allow additional sign area and flexibility for commercial properties within the Village Sign District to have sufficient signs for their unique needs. These signs can be viewed as having four distinct components.
 1. The 911 address is required at the very top of the sign.
 2. Below the 911 address is the name of the overall premises i.e. Pine Hill Plaza.
 3. Below the premises name are the signs for the individual businesses on the property.
 4. A planter is required at the base. The amount of frontage is proportional to the maximum width and allowed area of the premises name and cumulative area for individual business signs.
- C. Except for standards specifically stated in this Section 406.7.12, all other standards in this Chapter 406 (Sign Ordinance) are applicable including the maximum supporting structure ratio.

- D. Standards in this Section 406.7.12 shall only be utilized for one (1) Free Standing sign per property. In no event shall this Section be construed or utilized for more than one Free Standing sign per property per Table 1.3.
- E. The issuance of a permit utilizing this Section shall utilize the entirety of both the twenty-four (24) sq. ft. of Freestanding Sign area and the three (3) square feet per occupant for Directory Signs per Table 1.3 of this Ordinance. The remaining Maximum Aggregate Sign Area available for all other signs any one parcel is thirty-two (32) sq. ft. per Tables 1.2 and 1.3 of this Ordinance.
- F. Any Banner Sign attached to a multi-tenant free-standing sign shall not be larger than the Sign or supporting structure. All portions of Banner Signs placed on a Multi-Tenant Property Free Standing Sign shall be a minimum of four (4) feet above average finish grade within a twenty (20) foot radius.
- G. Multi-Tenant Property Free Standing Sign Standards:**
1. A planter base constructed of durable materials is required. Planter base construction of masonry products, stone, or brick is strongly encouraged. The footprint of the planter base shall be at least as large as the supporting structure and sign, whichever is larger. The planter shall be one (1) structure at least eighteen (18) inches above average finished grade within a twenty (20) foot radius of the planter.
 2. Sign Location:
 - a. The Sign shall be located as centered as possible on the parcel near the vehicular entrance/exit to the property.
 - b. The closest portion of any portion of the Sign, including any overhangs, shall be located both a minimum of ten (10) feet from the edge of any vehicular access/right-of-way and thirty-three (33) feet from the centerline of the traveled portion of the vehicular access/right of way; whichever is greater. NOTE: Article 6 of this Ordinance specifies minimum overhead utility line setbacks for lighted Signs.
 3. Illumination Standards:
 - a. Electronic Reader Board Signs are specifically prohibited.
 - b. Any lighting shall be equipped with the necessary components for automatic dusk to dawn dimming without the ability for business(es) inside to make adjustment(s) to such settings. The maximum daytime and nighttime brightness shall be in accordance with Article 7 of this Ordinance.
 - c. All lighting shall conform to Section 406.7 of this Ordinance and applicable standards.
 4. 911 Address Required:
 - a. All Multi-Tenant Property Free Standing Signs is required to be clearly and exclusively display the official 911 address at the highest portion of the sign. The 911 Addressing Officer shall have the authority to allow reasonable readily understandable abbreviations for street/road names given limited sign area.

- b. A minimum of eight (8) sq. ft. and no more than ten (10) sq. ft. of Sign Area shall be devoted to display the 911 address. Numbers and letters designating the 911 address shall not be smaller than eight (8) inches nor larger than twelve (12) inches.
- c. No commercial advertising of any type, specifically including logos, trademarks, etc., may be displayed within the top/highest portion of sign devoted to the 911 address.
- d. Any illumination of the 911 portion of the sign shall be consistent with any lighting for the premises name illumination.
- e. The use of same/similar background colors for both the 911 and premises name is encouraged to create a uniform aesthetic sign.
- f. Arched-topped signs are encouraged to allow for the road/street number. In such instances, the maximum sign height may be increased by an additional ten (10) inches.

H. Standards for the individual business sign portion of a Multi-Tenant Free-Standing Sign:

1. One individual business sign per premises: Each commercial business or entity on the subject property shall only have one (1) individual sign on the Multi-Tenant Free-Standing Sign. No combination of any type of two (2) or more individual business signs prescribed in Section 406.7.12.H.4 and 5 below for the same business or individual establishment shall be permitted.
2. For the purposes of measuring height for Sections 4 and 5 below in this section, height shall be measured from the average finished grade within a twenty (20) feet of the radius of the base of the entire footprint of the sign.
3. If the top 911 portion of the sign is arched, the maximum sign height may be increased an additional six (6) inches.
4. Parcels with at least one-hundred (100) but not more than one-hundred and fifty (150) feet of street/road frontage owned in fee immediately adjacent to a publicly owned road shall be subject to the following standards:
 - a. Maximum Overall Sign width: six (6) feet.
 - b. Maximum sign height: thirteen (13) feet
 - c. Maximum size of Premises name: fifteen (15) sq. ft.
 - d. Maximum size of any individual sign: six (6) sq. ft.
 - e. Maximum area of all individual signs: thirty (30) sq. ft.
 - f. Minimum height for lowest portion of lowest sign: three (3) feet.
5. Parcels with at least one hundred and fifty-one (151) feet of street/road frontage owned in fee immediately adjacent to a publicly owned road shall be subject to the following standards:
 - a. Maximum Overall Sign width: eight (8) feet.
 - b. Maximum sign height: fifteen (15) feet.
 - c. Maximum size of Premises name: twenty-five (25) sq. ft.
 - d. Maximum size of any individual sign: eight (8) sq. ft.

- e. Maximum area of all individual signs: forty-eight (48) sq. ft.
- f. Minimum height for lowest portion of lowest sign: four (4) feet.

406.7.13 PERMANENT SUBDIVISION SIGNS

A permanent sign is permitted to identify a neighborhood that has been created as a result of a residential subdivision approved by the Planning Board. The sign may not be placed in the right-of-way nor block safe sight distance along a road. Total sign area shall not exceed thirty-two (32) square feet. Temporary subdivision sign standards are in Article 5 of this Ordinance.

406.8.1 COMPUTATIONS

- A. **Computation of area of individual signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, rectangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself. Refer to Diagram 1 for guides to computation methods.
- B. **Computation of area of multi-faced signs.** The sign area for a sign with more than one (1) face shall be computed by adding together the sign area of all sign faces from any one (1) point. When two (2) identical sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. Refer to Diagram 2 for guides to computation methods.
- C. **Computation of height.** The height of a sign shall be computed as the distance from the base of the sign or sign structure at normal finish grade (within twenty (20) feet of the base of the sign not counting any planter base) to the top of the highest attached component of the sign. In the case of Wall, Projecting or Roof signs, the height of a sign shall be computed as the distance from the normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of either (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. Refer to Diagram 3 for guides to computation methods.
- D. **Multiple Signs:** Multiple signs placed immediately adjacent to one another shall be considered one sign for the purposes of this Ordinance. Examples include individual signs all attached to the same supporting structure (i.e. free-standing sign) or multiple Wall/ Projecting/ Roof signs placed in a row for the purposes of circumventing the maximum number and/ or size of allowed

sign(s). In such and similar circumstances, the areas of all such signs shall be totaled and considered one sign for the purposes of this Ordinance. “Burma-Shave” sign(s) are specifically prohibited.

- E. **Painting/ Stripes:** The painting or application of stripes or banding of colors on a building or canopy purposefully intended to function collaboratively with proposed sign(s) shall be considered sign area for the purposes of this Ordinance.
- F. **Push-Thru signage:** In no event shall only the area of the push-thru letters be counted as sign area. The entire square or rectangular area on a sign which contains push-thru style letters and/or numbers, and/or logos, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed shall constitute sign area. The definition of sign area and Diagrams 1 and 2 of this Chapter 406 detail and substantiate this provision.

ARTICLE 9 –ADMINISTRATION & CONFLICTS

406.9.1

(Moved to 406.4.1.D)

406.9.2 ADMINISTRATION, ENFORCEMENT, PENALTY AND APPEALS

- A. This Ordinance shall be enforced by the CEO.
- B. The burden of proof for compliance with all standards in this Ordinance shall be borne by the applicant. The applicant is responsible for submitting all necessary information for the CEO to make a decision regarding compliance with this Ordinance.
- C. If the CEO finds that any provision of this Ordinance is being violated, he shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it and a time limit for the correction.
- D. When any violation of any provision of this Ordinance is found to exist, the CEO is hereby authorized and directed to institute any actions and proceedings that may be appropriate or necessary to enforce the provision of this Ordinance.
- E. Any person who violates any provision of this Ordinance shall be guilty of a civil violation and shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452. Each day a violation is permitted to exist after notification constitutes a separate offense.
- F. Any person aggrieved by a decision of the CEO must submit an application for a waiver appeal to the Zoning Board of Appeals (ZBA) within thirty (30) days from the date of written decision. The Board may increase the length of the thirty (30) day appeal period for an administrative appeal, upon showing of good cause, for a reasonable period.

- G. Administrative Appeal: Any person aggrieved by a decision of the CEO in the interpretation of standards in this Ordinance may file an administrative appeal to the ZBA within thirty (30) days from the date of written decision.
- H. The actions of the CEO may be modified or reversed by the ZBA by a concurring vote as established in the Board's by-laws or as required for a land use administrative appeal in the Zoning Ordinance. Decisions of the CEO may be reversed only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

Waiver Appeals:

- I. The ZBA has the authority to hear and decide upon a waiver appeal in specific cases to relax the dimensional standards contained in this Ordinance. For the purpose of a waiver appeal, the ZBA's authority for dimensional standards is limited to maximum sign area and maximum height.
- J. A waiver appeal may only be granted upon a concurring vote as established in the Board's by-laws or as required for a land use variance appeal in the Town's Zoning Ordinance. Any waiver appeal the Board may grant is limited to the minimum reasonably necessary to alleviate the problem created by the unique or unusual physical conditions.
- K. The Reviewing authority may impose conditions on the approval of a sign variance necessary to establish compliance with approval criteria. In deciding a waiver appeal, the ZBA shall consider the following:
 1. Shape and size of the lot;
 2. Number of businesses in a building or on a lot;
 3. Any unique feature(s) of the lot or building;
 4. Compatibility with neighboring signage, lots and properties;
 5. Is the sign variance request necessary to permit signage comparable with other properties in the vicinity that have the same Sign District designation and are in compliance with the standards in this Ordinance;
 6. The sign variance will not adversely affect the functioning or appearance of the development and use of the property and surrounding properties, and
 7. Determine that granting the requested waiver is consistent with the general intent and purpose of this Ordinance; and
 8. Is granted solely to prevent a hardship based on conditions not generally prevalent in the area where the premises are located.

When an appeal is made to the ZBA, the same notification requirements to abutters, as established in Article 9 Chapter 402 of the Zoning Ordinance, shall apply.

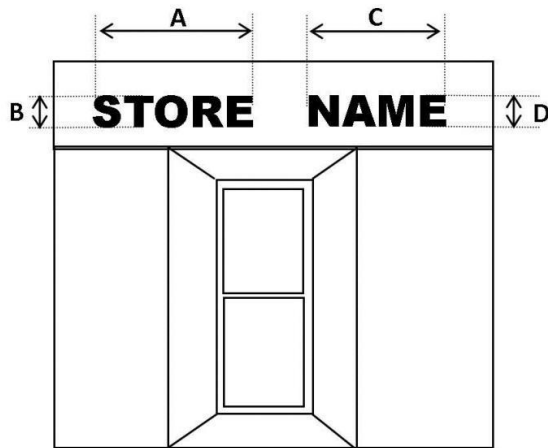
Any person aggrieved by the decision of the ZBA or by an order rendered by the ZBA to remove a sign may appeal said decisions to the Maine Superior Court. The appeal shall be filed within thirty (30) days after the decision of the ZBA.

406.9.3 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rules, regulations, by-laws, permits or provision of law. Where this Ordinance imposes a greater restriction upon the location, size, or type of sign allowed, the provisions of this Ordinance shall control.

ARTICLE 10 – DIAGRAMS

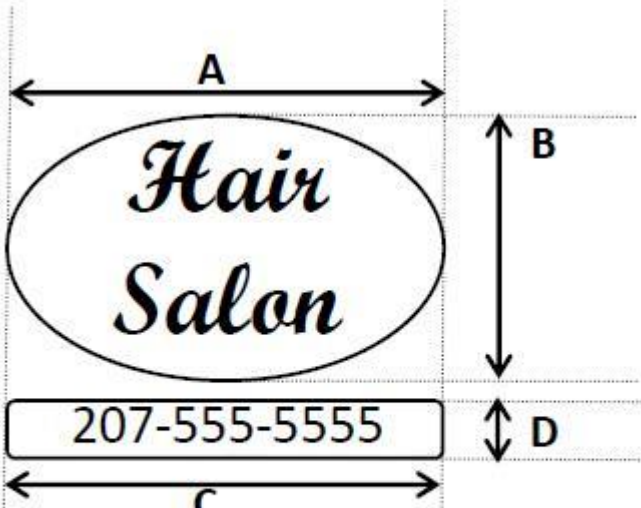
DIAGRAM 1
Computation of Area of Individual Signs



Area of Copy = (A x B) + (C x D)

Area of copy

The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message announcement or decoration on a fascia or wall sign.

 <p>Area of Sign = $(A \times B) + (C \times D)$</p>	<p>Area of Sign</p> <p>The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be calculated.</p>
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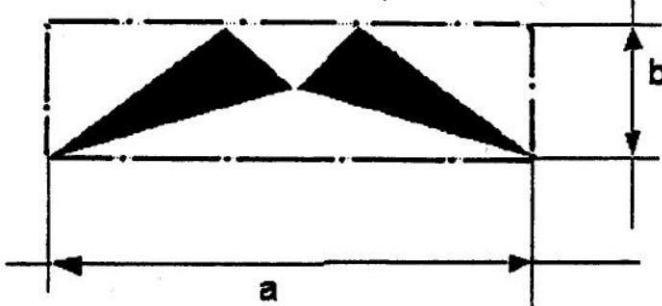
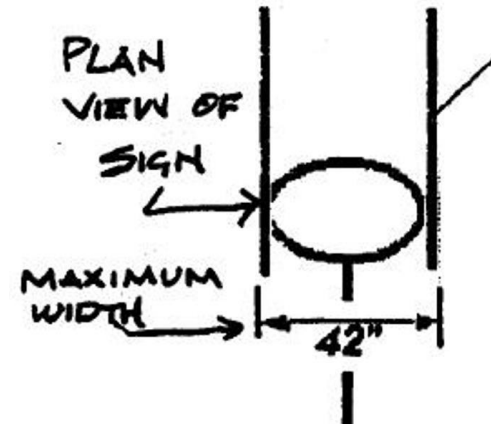
	<p>Sign Area = $A \times B$</p>
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DIAGRAM 2
Computation of Area of Multi-faced Signs

	<p>Sign Area Computed for one face</p>
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$Total\ Sign\ Area = (A \times B) + (C \times D)$

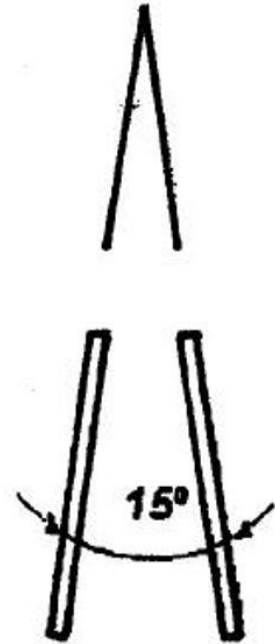
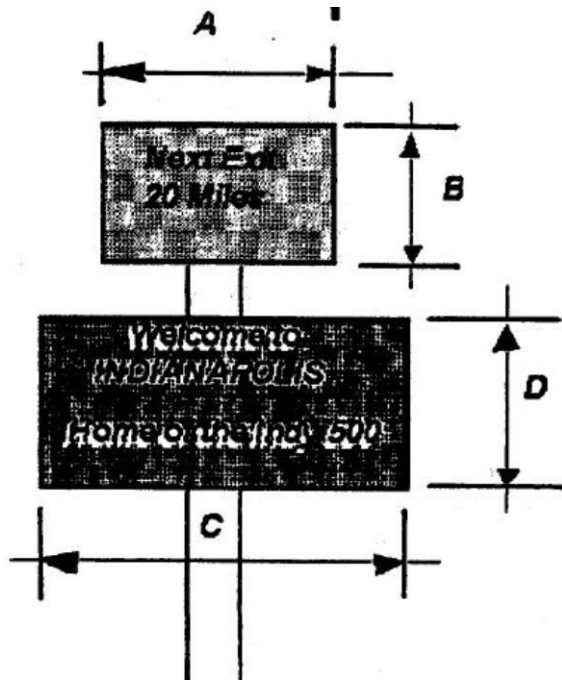
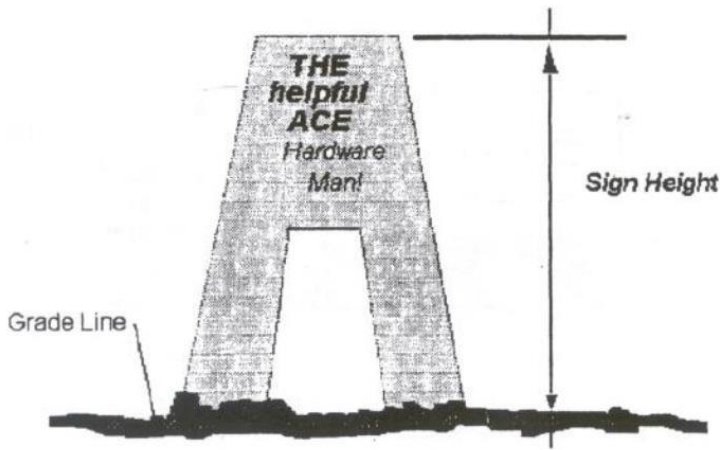
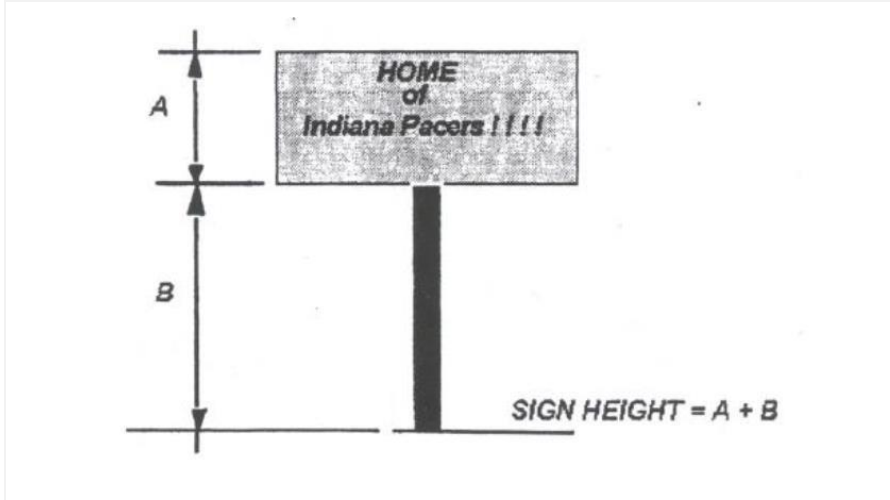
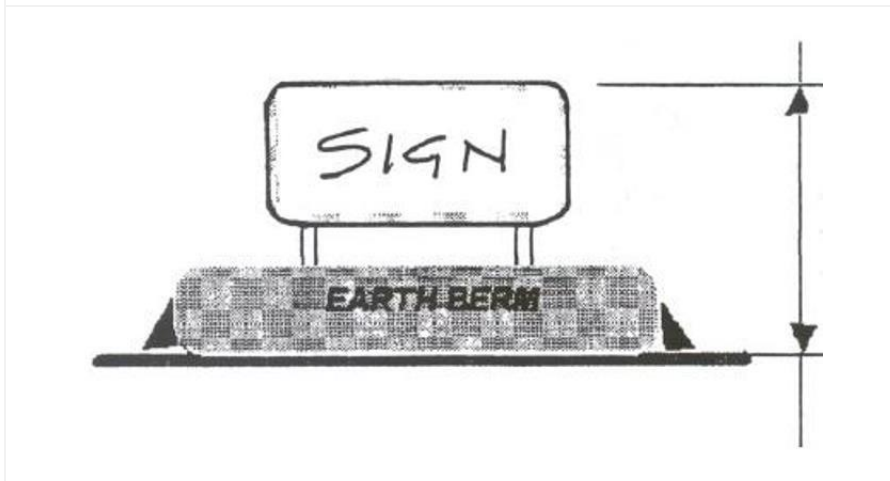


DIAGRAM 3
Computation of Height





Sign Height = A + B



Ground Mounding Height

Maximum sign height includes any berming

**CHAPTER 406 SIGN ORDINANCE
TOWN OF GRAY MAINE**

Adopted August 19, 1982

Amended January 20, 1989

Amended October 3, 2002

Replacement Adopted January 15 2013

Amended August 4, 2015 / Effective September 4, 2015

Amended September 17, 2019 / Effective October 17, 2019

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ARTICLE 1 – TITLE AND PURPOSE

406.1.1 TITLE

This Ordinance shall be known and may be cited as the Sign Ordinance of the Town of Gray, Maine.

406.1.2 PURPOSE

The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public right of way; provide more open space, and curb the deterioration of natural beauty and community environment.

ARTICLE 2 – DEFINITIONS

406.2.1 DEFINITIONS

1- Abandoned Sign: Any sign remaining or portion thereof, derelict at a location where the advertised goods or services are no longer being provided.

2- A-Frame: A temporary sign containing two (2) sign faces and whose framing is hinged at the apex at an angle less than forty-five (45) degrees.

3- Animated Sign: A sign employing actual motion or the illusion of motion.

Awning/Awning Sign: An awning which includes words, letters, figures, designs, symbols, graphics or pictorial art shall not be counted toward calculating the maximum number of signs allowed on a property, but shall constitute a wall sign for all other purposes, including the calculation of maximum aggregate sign area.

Banner Hill: The grassy knoll located on State Route 26 just northeast of the intersection of State Route 26A ("by-pass"). For the purposes of this Sign Ordinance, Chapter 406, Banner Hill shall be considered the portion of road frontage on the northeasterly side of the intersection of Routes 26 and 26A commencing at the fire hydrant ("2006" on casting, located fifty (50) feet southeasterly from CMP/Utility Pole #280) extending southeasterly two-hundred and fifty (250) feet to CMP/Utility Pole #277 (Pole #277 is located fifty (50) feet from the edge of pavement). Measurements are perpendicular to the paved road and extending the full width of the road right-of-way.

Banner Sign: A temporary sign having words, letters, figures, designs, or other specifications contained in the definition of "Sign" in this Ordinance applied to plastic, cloth, canvas, or other light flexible foldable or rollable non-rigid material that projects from or hangs

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from a building, structure, pole or wire. Banner signs shall be subject to all applicable standards in this Chapter 406 and does not include pennants or flags.

Banner Sign, Commercial: A Banner Sign containing a commercial message. Off-site "Banner Signs, Commercial", are specifically prohibited.

Banner Sign, Community: A Banner Sign, utilized by a business subject to standards in this Chapter 406, containing a Non-Commercial message announcing a function or event of Town-wide interest supported the Gray Town Council.

Billboard: An advertising sign not located at the premises that it is promoting. A billboard is deemed not to be a sign as otherwise defined herein.

Bright, Brightness: The subjective attribute of visual perception in which a source appears to be emitting or reflecting light. It is the perception elicited by the luminance of a visual target. For the purposes of this Ordinance, brightness means luminance.

"Burma-Shave" Signs: Multiple sequential individual signs conveying fragments of information which cumulatively creates an entire message or similar such signs created and displayed for the same purpose.

Business, Establishment or Religious Institutions: A business, establishment, or religious institution occupying an entire building or a part of a building.

Candela (cd): A unit of luminous intensity of a light source measured perpendicular to the surface equal to 1/60th of a square centimeter of a blackbody at the temperature of solidification of platinum (2,045 degrees Kelvin). Also known as a "candle".

Canopy or Marquee Sign: A sign which is on or attached to a permanent overhang projecting from the face of the building and supported entirely or partially by the building.

Commercial Message: The promotion or display of any, logo, insignia, trademark, lettering, numbering or otherwise using words, letters, figures, designs, or other specifications contained in the definition of "Sign" in this Ordinance for a product or service of an entity operating for profit.

Contrast Ratio: The proportion of the ratio between any one or more point(s) of brightness on any sign and the average brightness level of the general surroundings of the area adjacent to the sign.

Directory Sign: A freestanding or wall affixed sign which identifies the businesses in an integrated center such as an office campus or industrial park, in whole or in part, usually with a listing or a graphic representation of some or all of the tenants at the center location.

Electronic Message Display Board: A permanent message board in which one or more illuminated characters in a display may be changed by electronic means.

Entrance Sign: A sign designed to identify the entrance to a business, residential subdivision, shopping plaza, commercial office, or industrial park.

Establishment: See Business, Establishment, or Religious Institutions in this Ordinance.

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~~6.~~ **Externally Illuminated:** Illumination of a sign by reflecting artificial light off its surface.

~~7.~~ **Farm Stand:** A roadside stand selling only farm, garden, greenhouse, nursery, or Farm Food Products. The individual or business entity operating the Farm Stand must participate in the harvesting and/or production of the majority of food/products offered for sale.

Farm Food Products: Food products of the soil not subject to State Tax including fruits, vegetables, grain and grain products, honey, nuts, and maple products. If produced on the same premises as the Farm Stand where sold, eggs, dairy products, meat and meat products (including poultry) shall be considered Farm Food Products.

~~8.~~ **Feather Sign(s):** A flexible or rigid typically vertical pole to which one side is fixed a flexible fabric, generally but not necessarily in the shape of feather or similar shape using words, letters, figures, designs, or other specifications contained in the definition of Sign in this Ordinance for the purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known under the following names: Feather Banner, Feather Banner Sign, Quill Sign, Banana Banner, Flutter Flag, Bowflag, Teardrop Banner, and others. This definition includes any similarly displayed devices.

Freestanding Sign: A sign supported by one or more uprights or braces, permanently affixed into the ground. It shall not be erected in or project over the public right-of-way.

Frontage, Street: As defined in the Town's Zoning Ordinance (Chapter 402)-

~~9.~~ **Grand Opening Signs:** See standards in Article 5

~~10.~~ **Ground Sign:** A free-standing sign, generally having a low profile where the base of the sign structure is on the ground or a maximum of twelve inches (12) above the lowest point of the ground adjacent to the sign such that the sign has the appearance of a solid base and contains information on activities or businesses. It shall not be erected in or project over the public right-of-way.

Home Occupation: As defined in the Town's Zoning Ordinance (Chapter 402).

Identification Sign: A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or outside of the premises.

Illuminated Sign: A sign characterized by the use of artificial light.

~~11.~~ **Inflatable Sign(s):** Any object that can be or is inflated which is used for the purpose of advertising and/or attention-getting by the public display of visually communicative shape. Simply shaped balloons associated with Grand Opening Signs as allowed in Section 5 of this Ordinance are permitted provided that standards in this Ordinance are maintained.

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~~12.~~ **Internally Illuminated:** Illumination in a manner in which artificial light is projected through the signs surface. This does not include individually pin-mounted reverse illuminated solid-faced channel letters signs, often referred to as “halo-lit signs”.

~~13.~~ ~~**Externally Illuminated:** Illumination of a sign by reflecting artificial light off its surface.~~

Industrial Park: A parcel of land classified by the Town Planner as an Industrial Park at the time of site location approval.

~~**Motor Fuel Price Sign:** Numerals designating the price per gallon or liter for a particular grade of motor fuel.~~

~~14. **Multi-Tenant Property:** A lawfully existing lot or parcel having a minimum of one hundred (100) feet of street/road frontage on a publicly owned road which has four (4) of more separate ground-level commercial establishments or units each of which having its own entrance and individual area to conduct business. If two (2) or more commercial establishments or units are occupied or utilized by the same commercial entity or parent company, they shall be considered one (1) commercial establishment or unit.~~

~~15. **Municipal Signage:** Signs erected by the Town- on municipal property, and Municipal Banners erected either promoting or sponsored by the Town, or that havehas Town support.~~

~~**Murals:** A painting or pictorial representation conveying a Non-Commercial Message not containing any offensive content or language that is applied to or incorporated into a structure or wall, that can be viewed from public places, alleys, or rights-of-way. The entire area of a mural that contains any advertising, logos, or similar messaging associated with a non-residential entity shall be considered sign area for the purposes of this Ordinance.~~

~~**Nit:** a metric for measuring luminance equivalent to 1 Candela per square meter~~

~~16. **Non-Commercial Message:** A constitutionally protected message that is not commercial in nature. Non-commercial messages on signs typically addresses topics of public interest such as, but not limited to, politics, religion, philosophy, science, art, or social commentary.~~

~~17. **Occupant:** Business(es) located in a specific definable space that may be owned, rented, or leased as a unit whether a stand-alone building or portion thereof separated from other business locations by fixed walls without interior access. Multiple businesses practically functioning from the same fixed owned/ rented/ leased unit shall be considered one “occupant” for the purposes of this Ordinance specifically including Table 1.3.~~

~~18. **Office Building:** A single building of no less than 5,000 sq. ft. floor area net. As defined in the Town’s Zoning Ordinance.~~

~~19. **Office, Business or Professional:** The place within and from which a person or persons conducts a business providing, by way of example, but not limited to, a trade, professional or service to clients or customers. Business and professional offices may include, but are not limited to, offices for plumbing, electrical, and other construction trades, firms or contractors; and for lawn care and building cleaning companies; and for lawyers, doctors, accountants, engineers and other~~

professional consultants. Personal services, as defined in the Town’s Zoning Ordinance, are not included in this definition.

20. Office Campus: A group of ~~two~~^{three} (23) or more Business or Professional Office Buildings in a designated area served by a single main entrance.

21. Official Business Directional Sign (OBDS): Refer to the Town of Gray’s Official Business Directional Sign Ordinance

~~22. Off-Premises Site Sign: Directs attention to a business, industry, profession or service not conducted on the premises where the sign is displayed. A sign that advertises commercial products, accommodations, services, or activities not provided in or on the property or premises upon which it is located. Off-Site Banner Signs, Commercial, are specifically prohibited.~~

23. On-Premises Site Sign: Directs attention to a business, industry, acomodations, profession or service conducted on the property or premises where the sign is displayed.

24. Open Flag: Standard flag indicating that an establishment is “open for business.” This Ordinance does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.

25. Permanent Sign: A sign or advertising display designed and intended for long-term use constructed of weather-resistant rigid materials that is securely attached to a building, wall, and/or sign structure in the ground. A non-temporary sign designated and intended for long-term use. OR A sign which is constructed of rigid material and is securely attached to a building, wall, fence, or freestanding structure in the ground, and is designed and intended to be utilized for long-term display.

Person: Includes a firm, association, organization, partnership, trust company, or corporation as well as an individual, but does not include a governmental unit or entity.

Photometer: An instrument that measures light intensity in terms of luminance.

26. Political Sign: See standards in Article 5.

27. Portable Sign: A temporary sign which is not designed to be permanently affixed into the ground or to a structure. All portable signs as defined in this Ordinance shall be considered a temporary sign provided that all standards in Section 5 of this Ordinance are met and maintained.

Premises: One or more lots, tracts, plots, or parcels of land together with the building(s) and structure(s) thereon which are in the same ownership and are contiguous.

28. Professional: See definition of Office, Business, Professional in this Ordinance.

29. Property Identification Sign: A sign designed for the purpose of identifying a residential or commercial property by street address, primarily in the interest of public safety

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~~30.~~ **Projecting Sign:** A sign that is wall-mounted, perpendicular to the building surface. In no event shall a projecting sign project into the public right of way or be higher than the roof of the building to which it is attached.

Public Notice Sign: A temporary sign containing a Non-Commercial message for the primary purpose(s) of which is to displaying information of a civic, social, or religious nature. Such a sign may have a surface which allows the use of removable letters subject to standards in this Ordinance.

Push-Through signage: Word(s), letter(s), figure(s), design(s), number(s), logo(s), specifications contained in the definition of Sign in this Ordinance or similar advertising on a sign that extends through and/or beyond the front surface of a sign face that may or may not be internally illuminated.

Push-Through flush signage: Push-through style signage that does not extend beyond the front surface of a sign face.

Real Estate Sign: a temporary sign which advertises the lease or sale of land, space or structure.

~~31.~~ **Religious Institutions:** See Business, Establishment or Religious Institutions in this Ordinance.

~~32.~~ **Retail Trade:** As defined in the Town's Zoning Ordinance.

~~33.~~ **Roof Sign:** A sign installed on top of, or over, the roof of a building with the principal support on the roof structure.

~~34.~~ **Shopping Center:** A group of retail stores and/or office having a minimum of 25,000 sq. ft. of floor area net as defined in the Town's Zoning Ordinance.

~~35.~~ **Sign:** Any object, device, display, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. For the purpose of this Ordinance any logo, and/or lettering painted on or adhered to the exterior sheathing, wall or roof of a building shall be considered a sign. Graphics and pictorial art work are allowed on signs and shall be considered a part of the sign and shall constitute sign area.

Sign Area: The area of a sign (which is also the area of a wall sign or other sign with only one (1) face). Sign area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself (refer to Diagrams 1 and 2).

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36. **Subdivision:** The term shall be defined as in Title 30-A M.R.S.A. § 4401, sub-§4, as amended.

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37. **Temporary Sign:** A sign or advertising display designed to be displayed for a limited amount of time as defined in Article 5 of this Ordinance constructed of lightweight or flexible material designed and intended to be on display for short time periods and is easily installed and removed using ordinary hand tools. A Portable Sign, as defined in this Chapter 406, shall also be considered to be a temporary sign provided that standards established in Section 5 and in this Chapter 406 are maintained.

38. **Town:** Mmeans the municipality or Town of Gray, Maine.

Wall Sign: Any sign mounted parallel to or painted on the wall of a building extending not more than six (6) inches from that surface.

ARTICLE 3 – SIGN DISTRICTS ESTABLISHED IN TABLES

406.3.1 DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Gray’s Shoreland Zoning, Zoning and Overlay District(s) have been classified into three (3) Signage Districts:

A. Residential District: This district is comprised of the following Zoning Districts per Chapters 402 & 403:Rural Residential & Agriculture District (RRA), the Lake District (LD), the Medium Density District (MD) Zoning Districts, and the Mobile Home Park Overlay District (MHP). This district also includes the following Shoreland Zoning Districts: Limited Residential (LD), Stream Protection (SP) and Resource Protection (RP).

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Business District: This district incorporates the following Zoning Districts per Chapters 402 & 403: Business Development Districts (BD-1 & 2), the Commercial District (C), Business Transitional-1 & 2 (BT-1 & 2), and the Wellhead Protection Districts 1 and 2 (WH1 and WH2) Zoning Districts. -This district includes the Limited Commercial (LC) Shoreland Zoning District.

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Village District: This district includes both the Village Center District (VC) and the Village Center Proper District (VCP) Zoning Districts per Chapter 402.

406.3.2 TABLES

The Tables in this Section 406.3.2 establish the following:

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- Table 1.1: Sign Types permitted by Sign District

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- [Table 1.2: Maximum aggregate sign area by Sign District](#)
- [Table 1.3: Sign requirements by Sign District](#)

This table defines the allowable sign types and sizes by District. ‘P’ designates a permitted sign within a specific district. ‘N’ designates signs that are not permitted.

Table 1.1: Sign Type and Zoning permitted by Sign District

Sign Type	Residential	Business	Village
A-Frame	P	P	P
Animated	N	N	N
Billboard	N	N	N

<u>Banner Signs-Commercial-Temporary</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Banner Signs-Community-Temporary</u>	<u>P</u>	<u>P</u>	<u>P</u>
Canopy or Marquee	P	P	P
Directory	P	P	P
Electronic Message Display Board*	N	P	N
Entrance	P	P	P
Externally Illuminated	P	P	P
<u>Feather-Temporary</u>	<u>N</u>	<u>N</u>	<u>N</u>
Freestanding	P	P	P
Ground Sign	P	P	P
Home Occupation	P	P	<u>PP</u>
<u>Inflatable-Temporary</u>	<u>N</u>	N	<u>N</u>
Internally Illuminated	N	P	N
Mural	P	P	P
<u>Off-Premises-Site</u>	N	N	N
<u>On-Premises-Site</u>	P	P	P
<u>Portable-Temporary</u>	P	P	N
Projecting	P	P	P
Property Identification	P	P	P
Roof	N	P	P
Wall	P	P	P

* Municipality owned signage is exempt from district requirements.

All other sign types are prohibited.

Table 1.2: Maximum aggregate sign area by District.

	Residential District	Business District	Village District
Maximum Aggregate Sign Area*	48 sq ft	150 sq ft	56 sq ft

* Aggregate sign area is the total sign area of all signs permitted per business or establishment, including temporary signs, with the exception of Directory signs that conform to standards in this Ordinance including but not limited to Table 1.3 below. Specific Signs established in Article 5 that are in conformance with all standards in this Chapter 406 shall not count towards Aggregate Sign Area.

This table defines the number of signs and maximum square footage of each sign type per district.

Table 1.3: Sign requirements by District.

	Residential District	Business District	Village District
Free Standing Signs			
Number Permitted Per Establishment	1 per Frontage	1 per Frontage or 1 per each 250 ft Frontage	1 per establishment
Maximum Sign Area (Square Feet)	36 sq ft per Sign Maximum total combined 36 s.f.	60 sq ft per Sign	24 sq ft per Sign Maximum total combined 24 sq ft
Maximum Height (feet)	12 ft	25 ft	12 ft
Ground Signs			
Number Permitted Per Establishment	1 per Frontage	1 per Frontage or 1 per each 250 ft Frontage	1 per Frontage
Maximum Sign Area (Square Feet)	36 sq ft per Sign	60 sq ft per Sign	24 sq ft per Sign
Maximum Height (feet)	8 ft	8 ft	8 ft
Wall Signs			
Number Permitted Per Establishment	1 per Occupant	1 per Occupant	2 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
Maximum Height (feet)	N/A	N/A	Subject to max height of 16 ft from grade
Projecting Signs			

Number Permitted Per Establishment	36 sq ft per Occupant	1 per Occupant	1 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
Roof Signs			
Number Permitted Per Establishment	1 per Occupant	1 per Occupant	1 per Occupant
Maximum Sign Area (Square Feet)	36 sq ft per Occupant	75 sq ft per Occupant	24 sq ft per Occupant
Maximum Height (feet)	Maximum height shall be 7 ft above the lowest eave.	Maximum height shall be 7 ft above the lowest eave.	Maximum height shall be 7 ft above the lowest eave. Subject to max height of 16 ft from grade
Temporary Public Notice Sign			
Number Permitted Per Premises	1 Sign per street Frontage up to 2 total	1 Sign per street Frontage up to 2 total	1 Sign
Maximum Sign Area (Square Feet)	6 sq ft each Sign	24 sq ft total all Signs combined	12 sq ft total
Temporary Real Estate, Construction Signs			
Number Permitted Per Premises	1 Sign per street Frontage up to 2 total	1 Sign per street Frontage up to 2 total	1 Sign
Maximum Sign Area (Square Feet)	6 sq ft each Sign	24 sq ft total all Signs combined	12 sq ft total
Municipal Signs			
Number Permitted Per Premises	Exempt	Exempt	Exempt
Maximum Sign Area (Square Feet)	Exempt	Exempt	Exempt

Portable signs			
Number Permitted Per Premises	1 Sign	1 Sign	Not Permitted
Maximum Sign Area (Square Feet)	18 sq ft	18 sq ft	Not Permitted
Home Occupation Signs			
Number Permitted Per Premises	1 Sign per house	1 Sign per house	1 Sign per house
Maximum Sign Area (Square Feet)	6 sq ft	6 sq ft	6 sq ft
Directory Signs			
Number permitted Per Establishment	1 per Frontage	1 per Frontage	1 per Frontage
Maximum Sign Area (Square Feet)	3 sq ft per Occupant	3 sq ft per Occupant	3 sq ft per Occupant
Maximum Height (feet)	8 ft	8 ft	8 ft
Maximum Width (feet)	7 ft	7 ft	7 ft

ARTICLE 4 – PERMITS AND CONFORMANCE

406.4.1 SIGN PERMITS

- A. Permit Required: Except as otherwise provided herein, any sign or advertising device of any nature may not be erected or altered on a lot or affixed to the exterior of any building, structure, or the like without first obtaining a sign permit from the Code Enforcement Officer (CEO). Applications shall be on forms prescribed and provided by the CEO setting forth such information as may be required by him/her for a complete understanding of the proposed work including applicable fees.
- B. Sign Permit Submission Requirements. All sign permit applications shall include:
- A plot plan showing the proposed location of the sign showing setbacks to all property lines, easements, and rights-of-way.
 - Color scaled drawings, including elevational renderings, showing building dimensions of all components of the sign as necessary including but not limited to types of materials, wording, colors, along with all proposed illumination. The CEO may require a visual depiction of where the sign is proposed to be located on the subject property.

3. Day and night renderings, including light color temperatures and illuminance/luminance brightness are required for any illuminated sign.
- C. Registration Required for types of Temporary Signs: Prior to installing or displaying any of the following types of Temporary Signs, the sign must obtain verification of registration from the CEO:
1. Portable
 2. Grand Opening
 3. Banner-Commercial
 4. Banner-Community
 5. Subdivision
- D. Sign Permit Fees: Permit Fees are specified in the Town's Municipal Fee Schedule (from current 406.9.1)

~~EXCEPT AS OTHERWISE HEREIN PROVIDED, NO PERSON SHALL ERECT, MODIFY OR MOVE ANY SIGNS VISIBLE FROM THE PUBLIC WAY WITHOUT FIRST APPLYING FOR AND OBTAINING A SIGN PERMIT FROM THE CODES ENFORCEMENT OFFICER (CEO). APPLICATIONS SHALL BE ON FORMS PRESCRIBED AND PROVIDED BY THE CEO SETTING FORTH SUCH INFORMATION AS MAY BE REQUIRED BY HIM/HER FOR A COMPLETE UNDERSTANDING OF THE PROPOSED WORK INCLUDING APPLICABLE FEES.~~

406.4.2 MAINTENANCE AND CONFORMANCE OF SIGNS

- A. No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted or otherwise printed and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community as otherwise provided herein, or constitute a distraction or obstruction that may contribute to traffic accidents.
- B. Legally erected non-conforming signs installed prior to adoption of this Ordinance amendment may continue usage if:
1. Regular repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, replacement of parts and light bulbs, are performed, provided that repainting shall not include a change of copy.
 2. Replacement panels replicate or convey the same business or activity conducted or product sold as the original panels.
- C. Legally erected non-conforming sign(s) installed prior to adoption of this Ordinance amendment may not continue usage if one or more of the following are met:
1. The sign no longer advertises a bona fide business or activity conducted on premises, product sold, or public notice or is an abandoned sign.

- 2. The sign becomes or is in disrepair. It shall be removed upon order of the CEO if not repaired within thirty (30) days after written notification from the CEO. Any new sign must conform to this Ordinance.
 - 3. The sign requires changes to the display surface if the advertised business or activity conducted or product sold is changing from the original.
 - 4. There is a change in ownership in the premises, resulting in a change in business name, since the adoption of the Ordinance.
 - 5. The sign is moved for any reason for any distance or the sign is temporarily removed along with its supporting uprights or braces, in which event it shall be required to conform to this Ordinance when re-assembled.
- D. In no case, may the replacement or repair of any sign existing prior to adoption of this Ordinance be less compliant than the original. Any replacement panels or repaired sign(s) are subject to the review of the CEO to ensure compliance with the standards set forth in this Section 406.4.2.
- E. Any sign deemed inconsistent with this Ordinance shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after the activity has ceased, or if the removal has not occurred, within thirty (30) days after written notification from the CEO.
- F. If there is a change of use on a property and there were one or more on-premise non-conforming signs which advertised the former business or use, any new signs used, and all new sign(s) faces for the new use or business must meet all sign requirements in this Ordinance.
- G. No non-conforming sign shall continue to be used or allowed to remain following any activity that requires Site Plan Review approval as established in the Zoning Ordinance.

ARTICLE 5 – TEMPORARY SIGNS AND BANNER SIGNS

406.5.1 TEMPORARY SIGNS

~~Temporary signs shall not require issuance of a permit by the CEO with exception of portable signs, which shall require CEO permits. The following Temporary signs in this Article 5 are permitted and shall conform to standards within municipal, state or federal Ordinances, statutes or regulations and this Ordinance, including Tables 1.1, 1.2 and 1.3 in Article 3 of this Ordinance.~~

406.5.1.2 TEMPORARY SIGN STANDARDS

- A. Except as expressly allowed in this Ordinance, Temporary sign(s) conveying any type of commercial message shall not be erected or maintained on any of the following:
 - 1. A traffic control signal or device

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2. [A public utility pole or fixture](#)
3. [A rotary traffic island](#)
4. [A tree or public property or within a public right-of-way](#)
5. [A control-of-access right of way area](#)
6. [A median of less than six \(6\) feet wide](#)

406.5.1.3 TEMPORARY SIGNS NOT REQUIRED TO OBTAIN A PERMIT

[The following types of Temporary Signs shall maintain compliance with all applicable standards and shall not be required to obtain a permit from the CEO:](#)

- A. **Temporary Public Notice Sign:** Signs of a temporary nature, not including banners, that display advertisements of charitable functions, notices of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed twenty-one (21) days in any one calendar year and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling their function. Temporary signs specified in this section shall not be attached or painted to fences, trees, or other natural features, or utility poles and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
- B. **Temporary Political Signs:** Temporary political signs on public property or within public rights-of-way shall be permitted as provided by State law. Political signs are prohibited from all Town-owned properties except the public rights of way as otherwise provided by state law. Political signs are specifically prohibited on [Banner Hill as defined in this Ordinance](#).
- C. ~~the grassy knoll located on State Route 26 just northeast of the intersection of Route 26A ("bypass"). For the purposes of this Section 406.5.1.2, the grassy knoll shall be considered the portion of road frontage on the northeasterly side of the intersection of Routes 26 and 26A commencing at the fire hydrant ("2006" on casting, located fifty (50) feet southeasterly from CMP/ Utility pole # 280) extending southeasterly two hundred and fifty (250) feet to CMP/ Utility pole #277 (Pole #277 is located fifty (50) feet from edge of pavement). Measurements are perpendicular to the road and extend the full width of the road right of way.~~ **Temporary Real Estate Signs:** a [temporary](#) real estate sign advertises the lease or sale of land, space or structure. Unless prohibited by State Authorities, one off-premises Temporary Real Estate sign and/or one temporary Real Estate sign bearing the message "Open House" may be placed [without obtaining a permit](#) at the entrance to a dead-end or cul-de-sac street for the purpose of directing motorists to property for sale on that street. All other real estate signs must be physically located on the actual property for sale or lease, and only one sign may be located per street frontage. Real estate signs must be removed within ten (10) business days of the date of sale or lease of property. The Town's Public Works Department or Code Enforcement Officer (CEO) shall have the authority to remove signs that remain after the ten (10) day period, and violators will be charged for the cost of removal. If legal action is necessary to collect fines, violators must also reimburse the Town for associated legal and court costs. Additionally, the Town will not issue

building permits or permit the erection of new signs for the property cited for a sign violation until all fines and costs have been paid.

- D. **Open Flags:** In addition to the maximum number, total square footage per lot and size of permitted signs, “Open” flags are permitted in all districts subject to the following conditions:
1. Only one flag per business establishment shall be permitted.
 2. The flag shall be flown only during open business hours.
 3. The flag area is limited to a maximum of sixteen (16) square feet.
 4. Flag design shall be limited to the standard “Open” type.
 5. No logos, signage or advertising for the respective business(es) of any size or type is permitted.
 6. This section does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.
- E. **Farm Stands:** To the extent permitted by State law (see Title 23 M.R.S.A., Part 1, Chapter 15, subchapters 1 & 2 and other relevant State Statutes), the operator of a Farm Stand, as defined herein and by State law, may install a maximum of five (5) sandwich-board style signs between June 1st and November 15th of each year for the purposes of directing motorists to the location where agricultural products are offered for sale provided that the standards in this Ordinance and the following are met and maintained:
1. A maximum of two (2) on-premises and three (3) off-premises signs shall be permitted.
 2. Each sign shall be thirty-six (36) inches or less in height and may not exceed six (6) square feet in Sign Area.
 3. Signs shall not be clustered together and "Burma-Shave" style signs (sequential) are specifically prohibited.
 4. All signs shall constitute Sign Area for the purposes of calculating Maximum Aggregate per Table 1.2 herein.
 5. All signs shall be chalkboard or whiteboard and no changeable copy is permitted.
 6. No add-ons such as balloons, flags, streamers, or lighting are permitted.
 7. All signs shall be safely secured with, for example, weights but shall not be affixed to the ground if they are within a road right-of-way.
 8. No sign shall adversely affect motorist sight distance, pedestrian and/or bicycle traffic, nor infringe upon accessibility for handicapped individuals.

9. Subject to State law requirements, maximum of two (2) "on-site" sign(s) may be located within fifteen (15) feet of the entrance or the property line and within the right-of-way, subject to "h" above, at the sign-owners risk and the issuance of a revocable license agreement and waiver of liability are executed and permission by the Town.
10. Subject to State law requirements, maximum of three (3) "off-site" sign(s) must be located within one (1) mile of the Farm Stand, not within a road right-of-way, and only on private property with the consent of the property owner(s).
11. The three (3) "off-site" sign(s) detailed above in this section 406.7.1.11 shall not require issuance of a permit by the CEO.

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406.5.1.4 TEMPORARY SIGNS REQUIRING REGISTRATION

The following types of Temporary Signs shall maintain compliance with all applicable standards and shall be required to obtain verification from the CEO that the sign is registered per Section 406.4.1.C:

A. Portable Signs: Portable signs on movable frames, whether or not the wheels have been removed, shall be prohibited in the Village zone. No person shall park any vehicle or trailer or truck trailer on a public right-of-way, public property or on private property visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of products or directing people to a business or activity. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to business or commercial vehicles (see Motor Vehicle Signs in Article 7). Portable signs may be permitted for a period not to exceed twenty-one (21) days in any one calendar year and shall be removed by the person(s) who posted the signs.

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A.

Temporary Grand Opening Signs: One (1) Temporary Grand Opening sign may be installed on the premises of a newly opened business. Business establishments located on corner lots may install two (2) Temporary Grand Opening signs. Temporary Grand Opening signs may be in the form of a banner or window sign. A Temporary Grand Opening sign shall be displayed for no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Grand Opening sign shall conform to standards in this Ordinance.

B.

Banner Sign Standards: All Banner signs shall comply with the following standards:

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C.

- 1. Registration verification from the Code Enforcement Officer shall be required prior to being affixed and able to be viewed by the public.
- 2. Banner Signs-Commercial shall be subject to standards in Section 406.5.3 below and Banner Signs-Community shall be subject to standards in Section 406.5.4 below.
- 3. **Construction:** All Banner Signs in a vehicular public right-of-way, or within twenty (20) feet of a public ROW shall be constructed in accordance with the following standards:
 - a. Grommets: All Banner Signs displayed on Banner Hill or over a private vehicular accessway shall have grommets placed every 18 inches near to the edges of top and

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bottom of the Banner Sign. Banner Signs in excess of 30 inches in height shall have grommets place at least every 12 inches at both ends of the Banner Sign.

- b. Wind Deterrents: All Banner Signs shall have wind flaps cut into the Sign every 3 feet approximately 5 inches in height and width.
 - c. Banner Signs shall be made of durable tear resistant reinforced vinyl, canvas, or other light flexible fabric like material that is designed to be weatherproof medium and able to withstand wind-driven precipitation events.
 - d. Banner Signs must meet and maintain all the requirements of state and local law.
4. Width and Height: Unless specifically allowed in Section 406.5.1.4.FE below, All Banner Signs shall conform to the following maximum Width and Height:
 - a. Width: Maximum width is 18 feet.
 - b. Height: Maximum height is 36 inches.
 5. Banner Signs shall be a single unit. At no time shall two (2) Banner Signs be hung together to make one unit (unsafe during windy conditions).
 6. Banner Signs shall not be illuminated and shall not include or utilize any reflective materials.
 7. Banner Signs shall be securely fastened on all sides to a permanent on-site structure such as a building, fence, or wall. The fastening must be sufficient to ensure that it will remain in place for weather events.
 8. Banner Signs shall be continuously maintained in good condition.
 9. Signs shall only advertise events that are to take place within the Gray municipal limits, or that are sponsored by or raise funding for organizations located within Gray unless specifically allowed by the Gray Town Council.

D. Standards for Banner Signs-Commercial: The following provisions relating to Banner Signs-Commercial are applicable in all permitted Districts:

1. Banner Signs displayed in accordance with all applicable standards shall not count towards Maximum Aggregate Sign Area established in Table 1.2 of this Ordinance.
2. Banner Signs shall be displayed for a maximum of four (4) time periods each calendar year. Each period may not run more than thirty (30) consecutive days. After each display period, no successive Banner Sign may be displayed for at least sixty (60 calendar days).
3. Banner Signs shall comply with Banner Sign standards per 406.5.1.4.C. above and shall not exceed fifty-four (54) square feet or ten (10) percent of the side of the

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building (not counting roof area) that faces the vehicular access to the property, in which case whichever is greater shall apply.

4. Only one (1) Banner Sign shall be allowed at any one time per establishment.
5. Banner Signs shall be on the same site as the sponsoring establishment. Off-Site Banner Sign(s) is specifically prohibited.
6. Banner Signs shall be at least ten (10) feet above ground level.
7. In no event shall any Banner Sign be utilized as any part of the Permanent Signage for any property or establishment.
8. Banner Signs must be removed within forty-eight (48) hours after the event.
9. Off-Site Banner Signs are specifically prohibited. Commercial Banners must only be placed on the business premises.
10. Unless attached to a permanent principal building, not an accessory structure, Banner Signs-Commercial shall not be located less than ten (10) feet from the front property line, edge of the right-of-way, or thirty-three (33) feet from the centerline of a publicly owned or maintained road, whichever measurement is further away from the road accessing the property where the Banner Sign is placed. In no event shall Banner Signs shall be mounted or project into any public right of way.
11. Banner Signs-Commercial shall not be placed on any parcel or any property that sells, stores, and/or dispenses motor fuel(s).

E. Banner Signs-Community Standards: The following provisions relating to Banner Signs-Community are applicable in all permitted Districts:

1. When the Town of Gray sponsors or co-sponsors a program for a special public event, with or without co-sponsors, public property may be used to promote and identify the special event.
2. Off-site signs used to advertise parades, festivals, charitable or educational fundraisers, sports league sign-ups, holiday home tours and similar events are allowed provided that the standards in this Ordinance are adhered to.
3. Signs shall not be placed more than thirty (30) days in advance of the event and shall be removed no later than five days after the conclusion of the event.
3.
4. The cumulative area of all commercial messages, specifically including logos, shall not exceed ten (10) percent of the Banner Sign Area for any banner located less than two-hundred (200) feet from a publicly-owned road.

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4.

5. Except as specifically provided for below for Town-owned recreational fields located on a parcel that is at least two hundred (200) feet from a publicly owned road, the cumulative area of any banner sign(s) on any one property shall not exceed fifty-four (54) square feet nor shall any one banner be more than three (3) feet high or more than eighteen (18) feet wide.

5.

6. Standards specifically applicable for Town-owned recreational fields located on a parcel that is at least two hundred (200) feet from a publicly owned road: ~~for a publicly owned recreational field located less than fifty (50) feet from a public road~~

6.

~~a.~~ One seasonal banner on each publicly owned recreational field shall be permitted provided that it does not exceed nine hundred and sixty (960) square feet nor more than twelve (12) feet high nor more than eighty (80) feet wide.

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a)

~~b.~~ Seasonal banners shall ~~be~~ not be installed or displayed for longer than one hundred and eighty (180) days in any calendar year.

b)

~~c.~~ The cumulative area of all commercial messages on a seasonal banner, specifically including logos, shall not exceed fifty (50) percent of the banner sign area.

c)

~~d.~~ Individual seasonal banners less than twenty (20) square feet shall be permitted to display predominantly commercial advertising provided that the purpose of such signs is to support public non-profit community organizations.

d)

a.

7.

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1. **Priority Order of Banner Pole Use:** The priority of use for Banner Hill, as defined herein, shall be determined by the following order unless specifically approved by the Gray Town Council:

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7.

~~a.~~ a) Town of Gray and MSAD 15 community events including but not limited to the Crystal Lake Ice Fishing Derby, Patriot 5K, Crossroads Challenge, Gray Fire/Rescue Barbecue, Blueberry Festival, and other Town-sponsored or co-sponsored events.

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~~b.~~ b) Town of Gray Recreation Department sign-ups/events.

~~e.~~ c) Approved non-profit, non-religious organizations/feeder program(s) sign-ups for sports season(s) and sports camp(s).

~~a.~~ d) MSAD 15 School events.

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NOTE: The desired size of Banners on Banner Hill is three (3) feet by fifteen (15) feet.

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~~D.~~

F. Subdivision: One (1) temporary sign is allowed to advertise an approved subdivision site while construction is underway until the permanent 911 road sign is installed. The sign shall not contain more than twelve (12) square feet of sign area. Any such sign visible from a public vehicular travel-way shall not exceed sixteen (15) square feet of sign area and shall not be posted for more than two (2) years. One (1) additional sign not exceeding thirty-two (32) square feet depicting the overall layout of the development is allowed provided that it is located a minimum of one hundred (100) feet from a vehicular public travel-way or right of way. Standards for permanent Subdivision signs are contained in Article 7 of this Ordinance.

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ARTICLE 6 – REGULATIONS ALL DISTRICTS**406.6.1 REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS**

The following provisions relating to signs are applicable in all districts.

- A. One sign identifying the name, address and profession of a permitted home occupation or a lawfully existing nonconforming home occupation is allowed.
- B. One (1) bulletin board or similar sign in connection with any church, museum, library, school or similar public structure, but not exceeding twelve (12) square feet is allowed.
- C. No sign, except traditional barber poles for licensed barber shops, shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of banners, pennants, ribbons, streamers, spinners or other similar devices. In addition, “Open” flags are permitted only as described in Article ~~7~~ Section 406.7.1.55 of this Ordinance.
- D. Any sign, or portion thereof, which no longer advertises a bona fide business conducted, product sold, activity being conducted, or public notice, shall be taken down and/or removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign is located within ten (10) days after the activity has ceased, or if the removal has not occurred, within thirty (30) days after written notification from the CEO. Temporary signs shall be removed in accordance with Article 5 of this Ordinance.
- E. District setback requirements as established in the Town’s Zoning Ordinance shall not apply to signs; however, no part of any sign shall project over or be within the public right-of-way if it is located in a zoning district which has a front setback building requirement. No ground or portable signs shall be permitted in the public right-of-way. Signs located in any business sign district, as established in Section 406.3.1 above, shall be set back a minimum of five (5) feet from the edge of the public right of way including any overhanging portions of the sign.
- F. In addition to the maximum number and size of signs permitted, directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than three (3) feet above ground level, are permitted with issuance of a CEO permit evidencing compliance with this Ordinance.
- G. Non-conforming signs may continue only as referenced in Article 4 of this Ordinance, but may not be rebuilt or relocated on the same premises; however, non-conforming signs located on land which is acquired for governmental purposes may be relocated on the same premises.
- H. In addition to the maximum number and size of permitted signs, identification signs may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.

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- I. A sign with an identical double signboard or display area (two back-to-back sign faces) shall be construed to be one sign for the purpose of this Ordinance.
- J. ~~Lighter than air or gas-filled balloon or other similar devices used to advertise or define a fixed location shall be prohibit~~Any sign added or attached to a sign's upright or brace by any means shall be considered part of the sign area and will be included in calculating the permitted signs total area.
- K. Murals are allowed in all districts, but may not contain any advertising, commercial messages, or logos. Such murals are still subject to all requirements of any zoning standards which may apply and are considered public art. The entire area of a mural that contains any advertising, logos, or similar associated with a non-residential entity shall be considered sign area for the purposes of this Ordinance.
- L. No sign shall obscure required vehicular sight lines from any driveway or roadway intersection or cause a safety hazard to pedestrians or motorists. The CEO or the Town's Public Works Department shall have the authority to remove any such sign.
- M. No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance, as specifically prohibited elsewhere in this Ordinance due to illumination, placement, display, or manner of construction.
- N. For the purpose of this Ordinance, the term "sign" does not include signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, Ordinance or governmental regulation, nor to a "name sign" not exceeding one (1) square foot in area identifying the name(s) of the residents of the premises where such sign is located.
- O. No lighted sign, including a non-conforming sign that is replaced or relocated shall be placed within eight (8) feet of the drip lines of any overhead utility wires and their appurtenances. This requirement is not subject to variance or waiver.
- ~~A.P.~~ If the ratio of the actual sign area to the overall sign (including borders and all portions of the supporting structure not counting a planter base) exceeds two (2.0), the entirety of the perimeter of the sign, specifically including the supporting structure, shall be counted as sign area.
- ~~B.~~
- Q. Unless specifically exempted in this Ordinance, if any portion of the supporting structure contains visible logo(s), number(s), lettering, or similar, the entire supporting structure shall be considered sign area.
- R. The lighting of neon or other illuminated tube-type signs or advertising device is specifically prohibited.
- S. "Beurma-Shave" Sign(s), as defined in this Ordinance, are specifically prohibited in all Sign Districts

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T. A string of lights shall not be used for the purpose of advertising or attracting attention. This paragraph shall not prohibit temporary decoration of buildings during holiday season when such decoration is customary.

ARTICLE 7 – SPECIFIC STANDARDS

406.7.1 SPECIFIC STANDARDS

- A. The standards contained in of this ~~Section 406.7.1~~ Article 7 shall apply on a per building basis. In calculating allowable signage, each principal building together with its accessory buildings or structures, if any, shall count as one building.
- B. Signs Excluded from this Section:
 - 1. Signs displayed within the interior of a window of a building if the sign or grouping of signs does not occupy more than one-third of the surface area of such window or 10% of the wall area upon which the window is placed, whichever is more restrictive;
 - 2. Identification signs as described in Article 6 Section 406.6.1.H of this Ordinance.

406.7.2 WALL, PROJECTING, AND ROOF SIGNS

A. Unless otherwise provided, wall, projecting and roof signs shall not extend more than six (6) inches ~~from the wall to which it is attached or party wall separating occupancies into the wall area of other premises.~~ Wall, Projecting, or Roof Signs shall not exceed 25% of the wall area or roof on which they are located and/or attached.

406.7.3 ~~406.7.3~~ ELECTRONIC MESSAGE DISPLAY BOARD STANDARDS

All electronic message display boards shall have dark/black background and utilize only amber-colored lights.

- A. The numbers or letters shall consist of a single row of pixels.
- B. Electronic Message Display Boards constitute sign area and shall be maintained to conform the following standards:
 - 1. Except for time and temperature information, changeable signs may change no more often than once per minute.
 - 2. Time/date/temperature information must be displayed for a minimum of three (3) seconds each time it is shown.
 - 3. When changing messages, the message must change instantly and may not include any phasing, rolling, flashing, blending, or any such similar change of messages.
 - 4. Streaming of information or video animation is not permitted.
 - 5. While being displayed, the message shall remain fixed with no flashing, phasing, rolling, scrolling, blending, or any such similar display of information.

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C. Brightness and Illumination Standards: In addition to the maximum brightness/illumination established in Section 406.7.4 in this Ordinance, brightness measurements shall be measured by the following procedure and conform to the following standards:

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1. For determining night-time maximum brightness standards, measurements shall be taken at least one-half hour past sunset until one-half hour prior to sunrise. For determining daytime maximum brightness standards, measurements shall be taken at least one-half hour after sunrise and until one-half hour prior to sunset. Measurements shall use a calibrated, certified photometer to record the ambient light reading for the area adjacent to the sign while the electronic message center is off or displaying all black copy.
2. The reading shall be taken with the photometer aimed directly at the electronic message center filling the central circle of the viewfinder (the "measurement area") at the distance established in Section 406.7.4 of this Ordinance. If the sign being measured contains multiple colors, the photometer shall be positioned such that an area of the sign displaying all white fills the measurement area. It may be necessary to move the photometer closer to the sign area until this can be accomplished.
3. For the purposes of measuring electronic message centers that contain only amber lights, it may be necessary to turn on the electronic message center to full amber copy and take another reading.
4. The difference between the two readings shall not exceed the standards in Section 406.7.4 of this Ordinance. Electronic message centers in all districts shall be equipped with an operational, automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions. The brightness level in all districts shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance. The owners of such signs shall include a signed letter accompanying their permit application, certifying that they will comply with the prescribed brightness limitations set by this Ordinance. Brightness measurement process for electronic message centers shall be as follows:

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406.7.4 ILLUMINATED SIGN STANDARDS

At least 30 minutes past sunset, use a foot candle meter to record the ambient light reading for the area. This is done while the electronic message center is off or displaying all black copy.

The reading shall be taken with the meter aimed directly at the electronic message center at the appropriate pre-set distance.

Measurement distance criteria: 0-100 square foot signs to be measured 100 feet from source.

Turn on the electronic message center to full white copy and take another reading.

~~If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted.~~

~~Electronic Message Display Boards do constitute sign area and shall be maintained to conform to the following standards:~~

- ~~i) Except for the time and temperature information, changeable signs may change no more often than once per minute.~~
- ~~ii) Time/date/temperature information must be displayed for a minimum of 3 seconds each time it is shown.~~
- ~~iii) When changing messages, the message must change instantly and may not include any phasing, rolling, scrolling, flashing, or blending of messages.~~
- ~~iv) Streaming of information or video animation is not permitted.~~
- ~~v) While being displayed, the message shall remain fixed with no flashing, phasing, rolling, scrolling, or blending of information.~~

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All types of illuminated signs shall meet and maintain all of the following standards specifically including, but not limited to, internally illuminated signs, externally illuminated signs, electronic reader boards, and electronic gas price signs:

- A. The light source, whether internal or external, shall be shielded from view and shall not create a hazardous glare for pedestrians or motor vehicles either in a public right of way or on any private premises.
- B. Sign illumination for externally illuminated signs shall utilize focused light fixtures that do not allow light or glare to shine above the horizontal plane of the top of the sign or onto any right of way or abutting property.
- C. Internally-lit signs shall have opaque or dark background to minimize glare and lighting impacts.
- D. If a sign is internally illuminated, the use of white or light-colored background should be avoided. If white or light-colored is used in the background, not more than thirty percent (30%) of the internally illuminated area of the entire sign face may be of such color. This 30% maximum shall not be eligible for a waiver appeal as established in Article 9 of this Ordinance.
- E. All internally illuminated signs shall be equipped with an automatic dimming feature that reduces the intensity of the sign in accordance with standards in this Ordinance. This equipment shall not be able to be controlled from the business premises and shall be fixed by the sign company.
- F. The Light Color Temperature of any illuminance or luminance not including logos or light color temperatures associated with proprietary letters, numbers, or characters, whether internal, external, push-through, or otherwise shall be between 2700 and 4000 utilizing the Kelvin scale.

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G. Maximum Luminance: The illumination level or brightness of any portion of the face of the sign shall not exceed any of the following standards:

- 1. 150 Nits from the period of time from one-half hour before sunset to one-half hour after sunrise (Nighttime) and 3,000 Nits from one-half hour after sunrise to one-half hour before sunset (Daytime). The Planning Board may allow an increase in the daytime illumination level to not more than 5,000 Nits if the applicant demonstrates during Site Plan Review that the higher level is necessary for the sign to be readable in anticipated ambient light levels.
- 2. The contrast ratio between any one or more point(s) of brightness on any sign and the general surroundings of the area adjacent to the sign shall not exceed forty (40).

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~~4.~~ 0.5 Footcandles at boundary of ROW or any abutting parcel measured at the property line.

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~~2-4.~~ 0.3 Footcandles over ambient lighting conditions when measured at the most current International Sign Association (ISA) recommended distance based on sign size.

NOTE: 2020 ISA standards specify the following for square feet (SF) of sign area vs. measurement distance: 10 SF @ 32', 20 SF @ 45', 30 SF @ 55', 40 SF @ 63', 50 SF @ 71', 60 SF @ 77', 80 SF @ 89', and 90 SF @ 95'.

H. The measurement and recording of Daytime and Nighttime luminance shall be in accordance with the following:

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- 1. Luminance shall be measured using a calibrated, certified photometer.
- 2. The photometer shall be positioned for measurements such that the sign being measured fills the central circle of the viewfinder (the "measurement area"). If the sign being measured contains multiple colors, the photometer shall be positioned such that an area of sign displaying all white fills the measurement area, it will be necessary to move the photometer closer to the sign until this takes place.

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I. If any part of the supporting structure of any sign(s) contains or utilizes any type of internal illumination, the entire supporting structure shall constitute sign area.

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J. Prior to illuminating the sign, the owner of the sign shall provide written certification to the Code Enforcement Officer from the duly qualified supplier and/or installer, as appropriate, that the message board sign conforms to the standards for the maximum illumination levels and that the controls for illumination are in conformance with this Ordinance.

K.

Open Flags (Moved to Article 5) ~~In addition to the maximum number, total square footage per lot and size of permitted signs, “Open” flags are permitted in all districts subject to the following conditions:~~

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406.7.5 FUEL DISPENSING CANOPY SIGNS STANDARDS

~~Only one flag per business establishment shall be permitted.~~

~~The flag shall be flown only during open business hours.~~

~~The flag area is limited to a maximum of sixteen (16) square feet.~~

~~Flag design shall be limited to the standard "Open" type.~~

~~No logos, signage or advertising for the respective business(es) of any size or type is permitted.~~

Signs on any canopy covering a fuel dispensing area shall not extend beyond the edges of the canopy and shall comply with one of the two following provisions:

A. No sign shall exceed 15% of the square footage of the side of the canopy upon which it is located. No side shall contain more than one (1) sign.

B. The total area of signs on the canopy shall not exceed 9% of the total square footage of all sides of the canopy. No canopy shall have more than two (2) signs located on it.

~~B.~~

406.7.6 CANOPY (NON-FUEL DISPENSING), MARQUEE, OR AWNING SIGNS

Canopy (non-Fuel Dispensing), Marquee, or Awning signs may be permitted provided that the sign area does not exceed 25% of the plane of the canopy, marquee, or awning on which the sign appears.

406.7.7 HOME OCCUPATION SIGNS

Unless prohibited by State authorities, one non-internally illuminated off-premises sign identifying the name, address, and profession of a permitted home occupation is allowed provided that such sign does not exceed six (6) square feet and may be placed (subject to necessary permission from property owner(s)) at the entrance to a dead-end or cul-de-sac for the purpose of directing motorists to the location of the Home Occupation.

406.7.8 MENU BOARD SIGNS

A menu board installed at the point where customers place their orders at a drive-thru restaurant which does not exceed 32 square feet of gross display area and the location of which has been approved by the Planning Board under the Site Plan Review standards, shall not be counted as a sign in applying the dimensional requirements of this Ordinance.

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406.7.9 MOTOR VEHICLE SIGNS

A. Signs on, attached to, or affixed to motor vehicles are not subject to this Ordinance unless they have the effect of circumventing restrictions or limitations imposed herein. A sign on a motor vehicle will be presumed to have the effect of circumventing this Ordinance if the vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exist:

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~~A.~~

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1. The vehicle is not registered.
2. The vehicle is not inspected.
3. The sign is larger in any dimension than or extends beyond any surface of the vehicle to which it is placed, attached, or affixed.
4. The vehicle is parked or stored continuously in the same location.
5. The vehicle is parked or stored in an area not designed, designated, or commonly used for parking.
6. The vehicle is regularly parked or stored in the front yard or in the public right of way adjacent to the front yard.
7. The vehicle is regularly parked or stored in a location where a sign would not be permitted by this Ordinance.

B. The presumption that a vehicle has the effect of circumventing this Ordinance may be rebutted by evidence that the vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event, or location.

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C. Farm Stands: (Moved to Article 5)

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406.7.10 STATE OF MAINE LIMITED SIZE/HEIGHT ALLOWANCE

A. Notwithstanding anything to the contrary in Tables 1.2 and 1.3 of this Sign Ordinance, which establish maximum aggregate sign area and maximum sign standards, an individual parcel owned by the State of Maine, located in a "residential" sign district per Section 406.3.1 of this Sign Ordinance which contains at least one hundred (100) acres and one thousand (1,000) feet of frontage on a State-owned numbered highway shall be regulated by the provisions contained within this Section 406.7.1.1210.

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B. All standards not specifically detailed in this Section 406.7.1.12 within this Sign Ordinance shall be applicable.

- C. Any State-owned parcel utilizing the provisions of this Section 406.7.1. ~~12-10~~ of this Sign Ordinance shall only contain one (1) free-standing sign for the entirety of the State-owned numbered highway frontage.
- D. The maximum sign area for the one (1) free-standing sign in this Section 406.7.1.1 ~~02~~ is sixty-five (65) square feet. In addition, Directory Signs not exceeding twenty-two (22) square feet shall be permitted provided that they are attached to the same supporting structure and direct patrons to other uses or buildings on the State-owned property.
- E. The maximum height of the one (1) free-standing sign utilizing this Section 406.7.1.1 ~~02~~ shall not exceed eighteen (18) feet.
- F. The free-standing sign -authorized by this Section 406.7.1.1 ~~02~~ that is in excess of thirty-six (36) square feet of total sign area per Table 1.3 of this Sign Ordinance shall be the entirety of the maximum free-standing sign area and seventy-five percent (75%) of the Aggregate Sign Area established in Table 1.2 of this Sign Ordinance.

F.

406.7.11 ELECTRONIC MOTOR FUEL PRICE

- A. Each lawfully existing retail businesses which sells motor fuels to the public shall be permitted to install one (1) double-faced Electronic Motor Fuel Price Sign provided that the following standards are maintained:
1. A permit from the CEO is required prior to installing gas price signage.
 2. Only one Electronic Motor Fuel Price Sign is permitted on any one (1) property. The determination of one (1) or two (2) faces shall be per Articles 6 and 8 in this Ordinance.
 3. Electronic Motor Fuel Price Signs shall only be allowed to be placed on properties that have obtained all necessary approvals and permits to be a Auto Service Station, as established in Chapter 402, or where gasoline and other motor fuels are retailed directly to the public on the premises.
 4. Only motor fuel prices for gasoline and diesel shall be displayed. In no event shall the price of heating oil or any other products be displayed using this Section 406.7.11.
 5. All standards in this Chapter 406, Sign Ordinance shall be applicable except for deviations specifically established in this Section 406.7.11.
 6. Provided that all applicable standards in this Section 406.7.11 are followed, Electronic Motor Fuel Price Signs shall not apply to the maximum aggregate sign area established in Table 1.2 as well as the freestanding sign portion of Table 1.3 of this Ordinance.
 7. The electronic display shall have a dark/black background and amber colored lights. A white or light-colored border around the electronic portion of the sign is acceptable provided that it is not reflective. Any border around the electronic portion of the sign shall not contain any internal illumination or illumination.
 8. Only the price(s) shall be permitted to be digital lights. Any other information including the type of fuel (i.e. "unleaded") shall not be electronic, shall not be internally illuminated, and shall be permanently affixed to the sign face. The sign shall maintain an unlit background with only the illumination of the lettering, numbering or text associated with the electronic motor fuel price.
 9. The electronic prices of the motor fuel shall be fixed and shall not scroll, flash, or change intensity except for dusk to dawn auto-dimming as required in Article 7 of this Ordinance entitled Electronic Message Display Board Standards.
 10. The brightness of the electronic price portion shall adhere to the standards established in Article 7 of this Chapter 406 including auto-dimming from dusk until dawn.
 11. The size of the letters for the type of fuel and the prices shall not be less than eight (8) inches in height nor more than twelve (12) inches in height. Fractions of currency (i.e. 9/10ths) displayed may be smaller than eight (8) inches.

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12. The size of the entire panel (edge to edge of all components) shall not exceed ten (10) square feet. This specifically includes any borders, edges, type of fuel, and price per unit. This size allows for a 2 and 1/2 foot wide by 4 foot tall panel and letters/numbers that are between 8 and 12 inches.
13. The entirety of the ten (10) sq. ft. panel shall not contain any information other than the type of fuel and the price per unit. If any advertising of any other information, products, services, or otherwise is on any part of the Electronic Motor Fuel Price panel, the entirety of the panel/cabinet shall count as Sign Area and shall not be exempt from the maximum sign area either for the individual or aggregate sign area.
14. All portions of the Electronic Motor Fuel Price sign/panel, including any overhangs or any part of the sign or supporting structure, shall be set back at least five (5) feet from the property line and/or edge of right of way, whichever is more restrictive and further from the traveled way.
15. The lowest portion of Electronic Motor Fuel Price signs shall be at least four (4) feet above ground level and the highest portion no higher than ten (10) feet. For the purposes of this measurement, ground level shall mean average finished grade within a twenty (20) feet radius of the base of the sign.
16. Electronic Motor Fuel Price signs shall not be affixed to a Fuel Dispensing Canopy.
17. The standards established in Table 1.3 of this Ordinance, specifically including the maximum of one (1) free-standing sign per establishment, shall be applicable for this Section 406.7.11. Property owners/applicants that have existing signs must make the necessary adjustments to meet applicable standards. Adding an additional free-standing sign is specifically prohibited and is not eligible for a waiver per Article 9 of this Ordinance.

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406.7.12 MULTI-TENANT FREE-STANDING SIGNAGE WITHIN THE VILLAGE SIGN DISTRICT

- A. Applicability: Standards in this Section 406.7.12 shall be for Multi-Tenant Properties, as defined herein, located in the Village Sign District. Section 406.7.12 shall not be applicable in any other Sign District within the Town of Gray.
- B. Purpose: The purpose of Multi-Tenant Free Standing Sign standards is to allow additional sign area and flexibility for commercial properties within the Village Sign District to have sufficient signs for their unique needs. These signs can be viewed as having four distinct components.
 1. The 911 address is required at the very top of the sign.
 2. Below the 911 address is the name of the overall premises i.e. Pine Hill Plaza.
 3. Below the premises name are the signs for the individual businesses on the property.
 4. A planter is required at the base. The amount of frontage is proportional to the maximum width and allowed area of the premises name and cumulative area for individual business signs.
- C. Except for standards specifically stated in this Section 406.7.12, all other standards in this Chapter 406 (Sign Ordinance) are applicable including the maximum supporting structure ratio.

- D. Standards in this Section 406.7.12 shall only be utilized for one (1) Free Standing sign per property. In no event shall this Section be construed or utilized for more than one Free Standing sign per property per Table 1.3.
- E. The issuance of a permit utilizing this Section shall utilize the entirety of both the twenty-four (24) sq. ft. of Freestanding Sign area and the three (3) square feet per occupant for Directory Signs per Table 1.3 of this Ordinance. The remaining Maximum Aggregate Sign Area available for all other signs any one parcel is thirty-two (32) sq. ft. per Tables 1.2 and 1.3 of this Ordinance. ~~OAC Want to consider increasing max aggregate sign area per Table 1.2 or i.e. wall signage?~~
- F. Any Banner Sign attached to a multi-tenant free-standing sign shall not be larger than the Sign or supporting structure. All portions of Banner Signs placed on a Multi-Tenant Property Free Standing Sign shall be a minimum of four (4) feet above average finish grade within a twenty (20) foot radius.

G. Multi-Tenant Property Free Standing Sign Standards:

1. A planter base constructed of durable materials is required. Planter base construction of masonry products, stone, or brick is strongly encouraged. The footprint of the planter base shall be at least as large as the supporting structure and sign, whichever is larger. The planter shall be one (1) structure at least eighteen (18) inches above average finished grade within a twenty (20) foot radius of the planter.
2. Sign Location:
 - a. The Sign shall be located as centered as possible on the parcel near the vehicular entrance/exit to the property.
 - b. The closest portion of any portion of the Sign, including any overhangs, shall be located both a minimum of ten (10) feet from the edge of any vehicular access/right-of-way and thirty-three (33) feet from the centerline of the traveled portion of the vehicular access/right of way; whichever is greater. NOTE: Article 6 of this Ordinance specifies minimum overhead utility line setbacks for lighted Signs.
3. Illumination Standards:
 - a. Electronic Reader Board Signs are specifically prohibited.
 - b. Any lighting shall be equipped with the necessary components for automatic dusk to dawn dimming without the ability for business(es) inside to make adjustment(s) to such settings. The maximum daytime and nighttime brightness shall be in accordance with Article 7 of this Ordinance.
 - c. All lighting shall conform to Section 406.7 of this Ordinance and applicable standards.
4. 911 Address Required:
 - a. All Multi-Tenant Property Free Standing Signs is required to be clearly and exclusively display the official 911 address at the highest portion of the sign. The 911 Addressing Officer shall have the authority to allow reasonable readily understandable abbreviations for street/road names given limited sign area.

- b. A minimum of eight (8) sq. ft. and no more than ten (10) sq. ft. of Sign Area shall be devoted to display the 911 address. Numbers and letters designating the 911 address shall not be smaller than eight (8) inches nor larger than twelve (12) inches.
- c. No commercial advertising of any type, specifically including logos, trademarks, etc., may be displayed within the top/highest portion of sign devoted to the 911 address.
- d. Any illumination of the 911 portion of the sign shall be consistent with any lighting for the premises name illumination.
- e. The use of same/similar background colors for both the 911 and premises name is encouraged to create a uniform aesthetic sign.
- f. Arched-topped signs are encouraged to allow for the road/street number. In such instances, the maximum sign height may be increased by an additional ~~ten~~ (10) inches.

G.H. Standards for the individual business sign portion of a Multi-Tenant Free-Standing Sign:

- 1. One individual business sign per premises: Each commercial business or entity on the subject property shall only have one (1) individual sign on the Multi-Tenant Free-Standing Sign. No combination of any type of two (2) or more individual business signs prescribed in Section 406.7.12.H.4 and 5 below for the same business or individual establishment shall be permitted.
- 2. For the purposes of measuring height for Sections 4 and 5 below in this section, height shall be measured from the average finished grade within a twenty (20) feet of the radius of the base of the entire footprint of the sign.
- 3. If the top 911 portion of the sign is arched, the maximum sign height may be increased an additional six (6) inches.
- 4. Parcels with at least one-hundred (100) but not more than one-hundred and fifty (150) feet of street/road frontage owned in fee immediately adjacent to a publicly owned road shall be subject to the following standards:
 - a. Maximum Overall Sign width: six (6) feet.
 - b. Maximum sign height: thirteen (13) feet
 - c. Maximum size of Premises name: fifteen (15) sq. ft.
 - d. Maximum size of any individual sign: six (6) sq. ft.
 - e. Maximum area of all individual signs: thirty (30) sq. ft.
 - f. Minimum height for lowest portion of lowest sign: three (3) feet.
- 5. Parcels with at least one hundred and fifty-one (151) feet of street/road frontage owned in fee immediately adjacent to a publicly owned road shall be subject to the following standards:
 - a. Maximum Overall Sign width: eight (8) feet.
 - b. Maximum sign height: fifteen (15) feet.

- c. Maximum size of Premises name: twenty-five (25) sq. ft.
- d. Maximum size of any individual sign: eight (8) sq. ft.
- e. Maximum area of all individual signs: forty-eight (48) sq. ft.
- f. Minimum height for lowest portion of lowest sign: four (4) feet.

406.7.13 PERMANENT SUBDIVISION SIGNS

A permanent sign is permitted to identify a neighborhood that has been created as a result of a residential subdivision approved by the Planning Board. The sign may not be placed in the right-of-way nor block safe sight distance along a road. Total sign area shall not exceed ~~sixteen-thirty-two (32+6)~~ square feet. Temporary subdivision sign standards are in Article 5 of this Ordinance.

406.8.1 COMPUTATIONS

A. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, rectangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning Ordinance regulations and is clearly incidental to the display itself. Refer to Diagram 1 for guides to computation methods.

B. Computation of area of multi-faced signs. The sign area for a sign with more than one (1) face shall be computed by adding together the sign area of all sign faces from any one (1) point. When two (2) identical sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces. Refer to Diagram 2 for guides to computation methods.

C. Computation of height. The height of a sign shall be computed as the distance from the base of the sign or sign structure at normal finish grade (within twenty (20) feet of the base of the sign not counting any planter base) to the top of the highest attached component of the sign. In the case of Wall, Projecting or Roof signs, the height of a sign shall be computed as the distance from the normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of either (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. Refer to Diagram 3 for guides to computation methods.

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D. Multiple Signs: Multiple signs placed immediately adjacent to one another shall be considered one sign for the purposes of this Ordinance. Examples include individual signs all attached to the same supporting structure (i.e. free-standing sign) or multiple Wall/ Projecting/ Roof signs placed in a row for the purposes of circumventing the maximum number and/ or size of allowed sign(s). In such and similar circumstances, the areas of all such signs shall be totaled and considered one sign for the purposes of this Ordinance. “Burma-Shave” sign(s) are specifically prohibited.

E. Painting/ Stripes: The painting or application of stripes or banding of colors on a building or canopy purposefully intended to function collaboratively with proposed sign(s) shall be considered sign area for the purposes of this Ordinance.

F. Push-Thru signage: In no event shall only the area of the push-thru letters be counted as sign area. The entire square or rectangular area on a sign which contains push-thru style letters and/or numbers, and/or logos, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed shall constitute sign area. The definition of sign area and Diagrams 1 and 2 of this Chapter 406 detail and substantiate this provision.

ARTICLE 9 – ~~PERMIT FEES~~ ADMINISTRATION & CONFLICTS

406.9.1 ~~PERMIT FEES~~

Permit fees are specified in the Town’s Municipal Fee Schedule. (Moved to 406.4.1.D)

(Placeholder)

406.9.2 ADMINISTRATION, ENFORCEMENT, PENALTY AND APPEALS — ~~PERMIT FEES~~

- A. This Ordinance shall be enforced by the CEO.
- B. The burden of proof for compliance with all standards in this Ordinance shall be borne by the applicant. The applicant is responsible for submitting all necessary information for the CEO to make a decision regarding compliance with this Ordinance.
- C. If the CEO finds that any provision of this Ordinance is being violated, he shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it and a time limit for the correction.
- D. When any violation of any provision of this Ordinance is found to exist, the CEO is hereby authorized and directed to institute any actions and proceedings that may be appropriate or necessary to enforce the provision of this Ordinance.
- E. Any person who violates any provision of this Ordinance shall be guilty of a civil violation and shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452, fined not more than \$100.00 Each day a violation is permitted to exist after notification constitutes a separate offense.

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F. Any person aggrieved by a decision of the CEO must submit an application for a waiver may appeal to the Zoning Board of Appeals (ZBA) within thirty (30) days from the date of written decision. The Board may increase the length of the thirty (30) day appeal period for an administrative appeal, upon showing of good cause, for a reasonable period. This applies to both administrative appeals and waiver appeals.

G. Administrative Appeal: Any person aggrieved by a decision of the CEO in the interpretation of standards in this Ordinance may file an administrative appeal to the ZBA within thirty (30) days from the date of written decision.

H. The actions of the CEO may be modified or reversed by the ZBA by a concurring vote as established in the Board's by-laws or as required for a land use administrative appeal in the Zoning Ordinance. Decisions of the CEO may be reversed only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

Waiver Appeals:

I. The ZBA has the authority to hear and decide upon a waiver appeal in specific cases to relax the dimensional standards contained in this Ordinance. For the purpose of a waiver appeal, the ZBA's authority for dimensional standards is limited to maximum sign area and maximum height.

J. A waiver appeal may only be granted upon a concurring vote as established in the Board's by-laws or as required for a land use variance appeal in the Town's Zoning Ordinance. Any waiver appeal the Board may grant is limited to the minimum reasonably necessary to alleviate the problem created by the unique or unusual physical conditions.

K. The Reviewing authority may impose conditions on the approval of a sign variance necessary to establish compliance with approval criteria. In deciding a waiver appeal, the ZBA shall consider the following:

1. Shape and size of the lot;
2. Number of businesses in a building or on a lot;
3. Any unique feature(s) of the lot or building;
4. Compatibility with neighboring signage, lots and properties;
5. Is the sign variance request necessary to permit signage comparable with other properties in the vicinity that have the same Sign District designation and are in compliance with the standards in this Ordinance;
6. The sign variance will not adversely affect the functioning or appearance of the development and use of the property and surrounding properties, and
7. Determine that granting the requested waiver is not inconsistent with the general intent and purpose of this Ordinance; and

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8. Is granted solely to prevent a hardship based on conditions not generally prevalent in the area where the premises are located.

⤵ When an appeal is made to the ZBA, the same notification requirements to abutters, as ~~outlined~~ established in Article 9 Chapter 402 of the Zoning Ordinance, shall apply.

⤵ Any person aggrieved by the decision of the ZBA or by an order rendered by the ZBA to remove a sign may appeal said decisions to the Maine Superior Court. The appeal shall be filed within thirty (30) days after the decision of the ZBA.

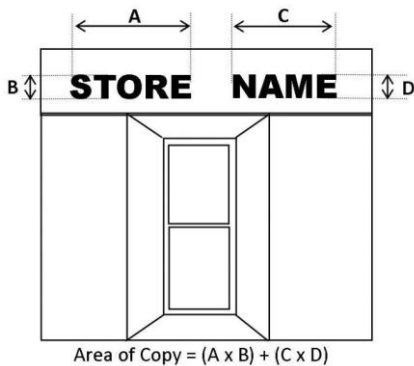
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406.9.3 CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rules, regulations, by-laws, permits or provision of law. Where this Ordinance imposes a greater restriction upon the location, size, or type of sign allowed, the provisions of this Ordinance shall control.

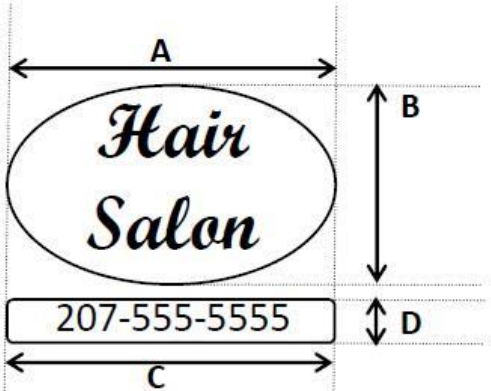
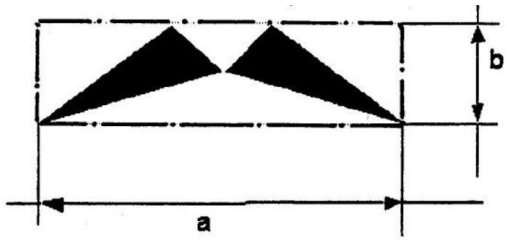
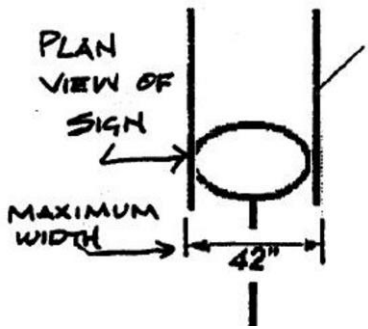
ARTICLE 10 – DIAGRAMS

DIAGRAM 1
Computation of Area of Individual Signs



Area of copy

The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message announcement or decoration on a fascia or wall sign.

 <p>Area of Sign = $(A \times B) + (C \times D)$</p>	<p>Area of Sign</p> <p>The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be calculated.</p>
	<p>Sign Area = $A \times B$</p>
<p>DIAGRAM 2 Computation of Area of Multi-faced Signs</p>	
	<p>Sign Area Computed for one face</p>

Total Sign Area = (AxB) + (Cx D)

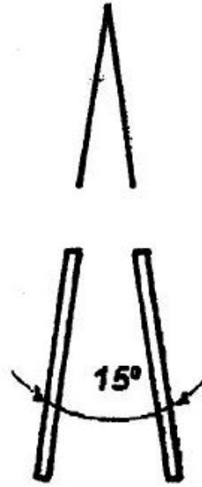
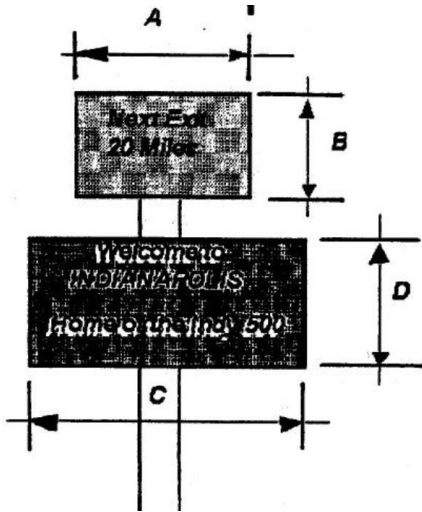
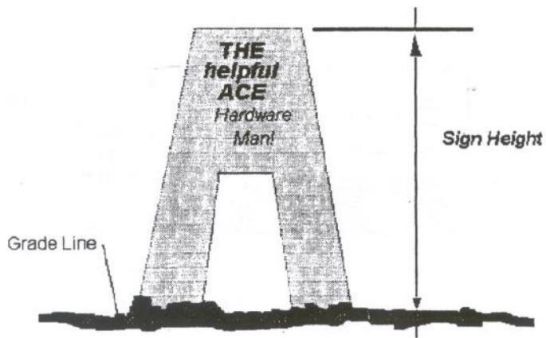
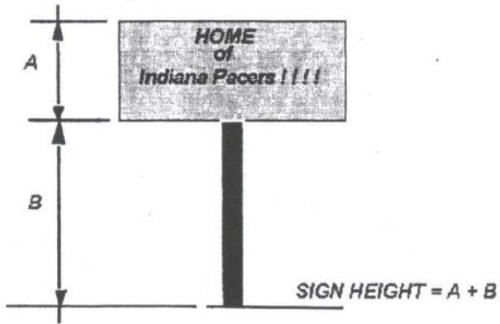
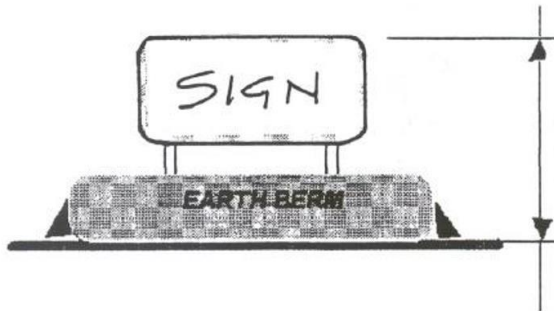


DIAGRAM 3
Computation of Height





Sign Height = A + B



Ground Mounding Height

Maximum sign height includes any berming

**CHAPTER 403 SHORELAND ZONING ORDINANCE
TOWN OF GRAY MAINE**

*Adopted Dec. 3, 1991
Effective Jan. 3, 1992
Amended Apr. 17, 1992
Amended Jan. 20, 1994
Amended July 4, 1996
Amended Oct. 31, 1996
Amended August 7, 1998
Amended Sept 17, 1998
Amended Nov 10, 1998
Amended August 31, 2000
Amended September 5, 2000
Amended July 7, 2009
Amended January 19, 2010
Amended February 15, 2016 / Effective April 14, 2016
Amended March 20, 2018 / Effective January 16, 2018
Amended January 22, 2019 / Effective March 1, 2019*

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SECTION 1 – PURPOSES

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

SECTION 2 – AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

SECTION 3 – APPLICABILITY

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream; and to all land areas within non-forested freshwater wetlands, as defined herein.

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

SECTION 4 – EFFECTIVE DATE

This Ordinance, which was passed by the Town Council on July 7, 2009 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his receipt of the Ordinance, it shall be deemed approved. Upon approval, the shoreland zoning ordinance previously adopted, and as amended from time to time, is repealed retroactively to the date otherwise applicable under the Town Charter; provided, notwithstanding any provisions of Maine law to the contrary, including but not limited to 1 M.R.S.A. Section 302, any application for a shoreland zoning permit submitted to the Town or any of its officers, boards or employees after August 7, 2009 shall be governed the terms hereof if the ordinance secures such approval by the Commissioner.

SECTION 5 – AVAILABILITY

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

SECTION 6 – SEVERABILITY

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

SECTION 7 – CONFLICTS WITH OTHER ORDINANCES

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

SECTION 8 – AMENDMENTS

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

SECTION 9 – DISTRICTS AND ZONING MAP

A. OFFICIAL SHORELAND ZONING MAP

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

1. Resource Protection
2. Limited Residential
3. Stream Protection
4. Limited Commercial

B. SCALE OF MAP

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

C. CERTIFICATION OF OFFICIAL SHORELAND ZONING MAP

The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the town office.

D. CHANGES TO THE OFFICIAL SHORELAND ZONING MAP

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

SECTION 10 – INTERPRETATION OF DISTRICT BOUNDARIES

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

SECTION 11 – LAND USE REQUIREMENTS

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

SECTION 12 – NON-CONFORMANCE

A. **PURPOSE**

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. **GENERAL**

1. **Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. **Repair and Maintenance:** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which 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.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. **NON-CONFORMING STRUCTURES**

1. **Expansions:** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) through (c) below.

Further Limitations:

- (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
- (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).

- (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
 - (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
 - (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - (ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
 - (iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
 - (d) The plan approved by the CEO for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.
2. Foundations: Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback

requirement is met to the greatest practical extent as determined by the Code Enforcement Officer or designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.

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

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

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(R). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

(b) Where feasible as determined by the CEO, when a structure is relocated to the greatest practical extent on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

4. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

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

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

5. Change of Use of a Non-conforming Structure

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

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

D. **NON-CONFORMING USES**

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1) above.
2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent

properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) above.

E. NON-CONFORMING LOTS

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

SECTION 13 – ESTABLISHMENT OF DISTRICTS

A. RESOURCE PROTECTION DISTRICT

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

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by MDIF&W. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the

period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
6. All land areas within non-forested freshwater wetlands, as defined herein.

B. LIMITED RESIDENTIAL DISTRICT

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District or Stream Protection District.

C. STREAM PROTECTION DISTRICT

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

D. LIMITED COMMERCIAL DISTRICT

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

SECTION 14 – TABLE OF LAND USES

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

Key to Table 1	
Yes	Allowed (no permit required but the use must comply with all applicable land use standards.)
No	Prohibited
PB	Requires permit issued by the Planning Board
CEO	Requires permit issued by the Code Enforcement Officer
LPI	Requires permit issued by the Local Plumbing Inspector
Abbreviations	
RP	Resource Protection
LR	Limited Residential
SP	Stream Protection
LC	Limited Commercial

LAND USES	SP	RP	LR	LC
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes
3. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO	CEO
4. Hazard tree, storm-damaged tree, and dead tree removal	CEO	CEO	CEO	CEO
5. Fire prevention activities	yes	yes	yes	yes
6. Wildlife management practices	yes	yes	yes	yes
7. Soil and water conservation practices	yes	yes	yes	yes
8. Mineral exploration	no	yes ²	yes ²	yes ²
9. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB
10. Surveying and resource analysis	yes	yes	yes	yes
11. Emergency operations	yes	yes	yes	yes
12. Agriculture	yes	PB	yes	yes
13. Aquaculture	PB	PB	PB	yes
14. Principal structures and uses				
A. One and two family residential, including driveways	PB ⁴	PB ⁵	CEO	CEO
B. Multi-unit residential	no	no	no	PB
C. Accessory apartments	no	no	no	no
D. Commercial	no	no ⁶	no ⁶	PB
E. Industrial	no	no	no	no
F. Governmental and institutional	no	no	PB	PB
G. Small non-residential facilities for educational, scientific, or	PB ⁴	PB	CEO	CEO

nature interpretation purposes				
LAND USES	SP	RP	LR	LC
15. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO
16. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
a. Temporary	CEO ⁷	CEO ⁷	CEO ⁷	CEO ⁷
b. Permanent	PB	PB	PB	PB
17. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI
18. Home occupations	PB	PB	PB	CEO
19. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
20. Essential services ¹³				
A. Roadside distribution lines (34.5kV and lower)	CEO	CEO	yes ⁸	yes ⁸
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB	PB	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB	PB	PB	PB
D. Other essential services	PB	PB	PB	PB
21. Service drops, as defined, to allowed uses	yes	yes	yes	yes
22. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO
23. Individual, private campsites	CEO	CEO	CEO	CEO
24. Campgrounds	no	no ⁹	PB	PB
25. Road construction	PB	no ¹⁰	PB	PB
26. Marinas	no	no	no	PB
27. Parking facilities	no	no ⁹	PB	PB

28. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes
29. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO
LAND USES	SP	RP	LR	LC
30. Signs	CEO	CEO	CEO	CEO
31. Uses similar to allowed uses	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a PB permit	PB	PB	PB	PB
34. Farm stand	no	no	CEO*	CEO*
35. Mobile vendor	no	no	CEO+	CEO+
36. Marine refueling stations	no	no	no	yes
37. Temporary structures	CEO	CEO	CEO	CEO
38. Retail marijuana establishments as principal or accessory use ¹¹	no	no	no	no
39. Marijuana Food Establishment	no	no	no	No
40. Medical Marijuana Manufacturing Facility ¹²	No	No	No	No
41. Medical Marijuana Registered Dispensary ¹²	No	No	No	No
42. Medical Marijuana Registered Dispensary Cultivation Facilities ¹²	No	No	No	No
43. Medical Marijuana Testing Facility ¹²	No	No	No	No
44. Registered Caregiver ¹²	No	No	No	No
45. Caregiver Retail Store	No	No	No	No

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

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

³ In RP not permitted in areas so designated because of wildlife value.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵ Single family residential structures may be allowed by special exception only according to the provisions of Section 16 E, Special Exceptions. Two-family residences are prohibited.

⁶ Except for commercial uses otherwise listed in this Table, such as campgrounds, that are allowed in the respective district.

⁷ Excluding bridges and other crossings not involving earthwork, in which cases no permits are required.

⁸ Permit not required but must file a written “notice of intent to construct” with CEO.

⁹ Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

¹⁰ Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

¹¹ This shall be construed to limit the use, possession, transport, cultivation, transfer or purchase of Adult Use Marijuana to the greatest extent permitted by the Marijuana Legalization Act (28-B M.R.S.A. §§ 102 – 1504, as may be amended and successor provisions thereof). Further, this ordinance shall be deemed to prohibit, and does hereby prohibit, attempts to circumvent its restriction on selling adult use marijuana by persons or transferring or furnishing marijuana or marijuana concentrate without remuneration, in connection in any way with any lawful transaction under the guise of being a gift or an enhanced consideration for same.

¹² This shall be construed to prohibit Medical Marijuana Cultivation Facilities, Medical Marijuana Registered Dispensaries, Medical Marijuana Registered Dispensary Cultivation Facilities, Medical Marijuana Testing Facilities, Medical Marijuana Manufacturing Facilities, Marijuana Food Establishment, Registered Caregivers and Registered Caregiver Retail Stores in the Shoreland Zone, but shall not be construed to prohibit any other lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B, as may be amended from time to time).

¹³ See further restrictions in Section 15(K) of this Ordinance

*Subject to the provisions of Article 7, Section 402.7.15 of the Town of Gray Zoning Ordinance.

+Subject to the provisions of Chapter 212 of the Town of Gray Zoning Ordinance.

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

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

SECTION 15 – LAND USE STANDARDS

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

A. SPACE STANDARDS

1. Minimum Lot Size: 80,000 sq. ft.
2. Minimum Land Area Per Residential Dwelling Unit: 80,000 sq. ft.
3. Minimum Shore Frontage: 200 ft.
4. Minimum Road Frontage: 200 ft.
5. Maximum Building Height: 35 ft.
6. Minimum Setbacks:

- a. Waterbodies:
 - b. i. 100 ft. horizontal distance from normal high water line great ponds & rivers
 - c. ii. 75 ft. horizontal distance from normal high water line streams, upland edge of wetlands, & other water bodies
 - d. b. Front Property Line: 25 ft. c. Road: 25 ft.
 - e. d. Side Property Line: 10 ft.
 - f. e. Rear Property Line: 10 ft.
- 7. Maximum Lot Coverage: 20% (See Section 403.15.B.4)
- 8. Land below the normal high water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- 9. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- 10. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- 11. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. PRINCIPAL AND ACCESSORY STRUCTURES

- 1. All new principal and accessory structures shall be set back at least one hundred (100) feet horizontal distance from the normal high-water line of great ponds classified GPA and rivers, and seventy-five (75) feet horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In addition, all new principal and accessory structures shall be setback at least ten (10) feet from each side property, ten (10) feet from the rear property line and except as otherwise required by this ordinance, at least twenty-five (25) feet from the front property line or road. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.
 - a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls necessary for shoreline stabilization, nor to other functionally water dependent uses.
 - b. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in

height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed in accordance with the standards of the Floodplain Management Ordinance and need not meet the elevation requirements of this paragraph.
4. Lot coverage: The total area of all structures, driveways, parking areas and other non-vegetated surfaces shall not exceed twenty (20) percent of the lot or a portion thereof located within the shoreland zone, including land area previously developed. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

For the purposes of calculating lot coverage, naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480 C); and that the applicant demonstrates that no reasonable access alternative exists on the property. This shall not constitute a grandfathered setback.
6. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;
 - b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

- f. The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer does not exist. The buffer must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(O)(2)(a), may traverse the buffer.

C. PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH WATER LINE OF A WATER BODY OR WITHIN A WETLAND, AND SHORELINE STABILIZATION.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. A temporary pier, dock or wharf shall not be wider than six (6) feet for non-commercial uses.
5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
7. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
8. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
9. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a

single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

10. Vegetation may be removed in excess of the standards in Section 15(O) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

(a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

(b) Revegetation must occur in accordance with Section 15(R).

NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.

D. **CAMPGROUNDS**

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. **INDIVIDUAL PRIVATE CAMPSITES**

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

4. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle. Only a single recreational vehicle shall be permitted on an individual private campsite.
5. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. **PARKING AREAS**

1. Parking areas shall meet the setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than fifty (50) feet horizontal distance from the normal high-water line of the shore or tributary stream or from the upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists further from the shoreline, wetland or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal travel aisles: Approximately twenty (20) feet wide.

G. **ROADS AND DRIVEWAYS**

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

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

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be

increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this sub-section except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection P.
5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:
 - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

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

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

H. SIGNS

In addition to applicable standards established in Chapter 406 (Sign Ordinance), signs shall conform to all of the following provisions which shall govern the use of signs in the Resource Protection, Stream Protection and Limited Residential Districts: (Note: See also Section 7)

- 1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed one (1) sign per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- 2. Name signs shall be permitted, provided such signs shall not exceed one (1) sign per premise.
- 3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- 4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- 5. Signs relating to public safety shall be permitted without restriction.
- 6. No sign shall extend higher than eight (8) feet above the ground to the highest point of the sign.
- 7. Signs may be illuminated only by shielded, non-flashing lights.

I. STORM WATER RUNOFF

- 1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
- 2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

J. SEPTIC WASTE DISPOSAL

- 1. All new and replacement subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules) and the following:

- a. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and
- b. A holding tank is not allowed for a first-time residential use in the shoreland zone.

K. ESSENTIAL SERVICES

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

L. MINERAL EXPLORATION AND EXTRACTION

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 3 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A, Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

- c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from offsite sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

M. **AGRICULTURE**

1. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled in an unprotected manner so as to produce runoff within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river or stream flowing to a great pond, classified GPA, or within seventy five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Once such a plan has been recorded, such plan may be transferred to a new owner provided such agricultural activity continues to be in conformance with the Plan. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained but shall require a Soil and Water Conservation plan to be filed with the Planning Board. Once a Soil and Water Conservation Plan for the tilling of soil has been recorded with the Planning Board, the rights and privileges of such plan may be transferred to a new owner provided the tilling practice continues to be in conformance with the plan.
5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan that has been filed with the Planning Board. Once a Soil and Water Conservation Plan for livestock grazing has been recorded with the

Planning Board, the rights and privileges of such plan may be transferred to a new owner provided the livestock grazing practices continues to be in conformance with the plan.

N. TIMBER HARVESTING- REPEALED

1. *Town administration of Timber Harvesting has been repealed.*
2. *Timber harvesting within the shoreland zone is regulated by the Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry, and is not regulated by the Town of Gray.*

O. CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING

1. Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high water line, except to remove hazard trees as described in Section 15(P).

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

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

- a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks is allowed for accessing the shoreline provided that a cleared line of sight to the water through the shoreline buffer strip is not created.
- b. Selective cutting of trees within the shoreline buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees " adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot square (1250 square feet) area as determined by the following rating system.

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

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

Note: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is: $(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36$ points

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points $(36-24=12)$ may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

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

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

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Section 15 (O). paragraphs 2 and 2a. above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead, or hazard trees results in the creation of cleared openings, these openings shall be replanted

with native tree species in accordance with Section P, below, unless existing new tree growth is present.

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

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

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

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

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.
5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

P. HAZARD TREES, STORM-DAMAGED TREES, AND DEAD TREE REMOVAL

1. Hazard trees in the shoreland zone may be removed with a permit from the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer strip, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer strip, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in

- cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
- (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
 - (b) Outside of the shoreline buffer strip, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

Q. EXEMPTIONS TO CLEARING AND VEGETATION REMOVAL REQUIREMENTS

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

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(O) apply;
2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(M) are complied with;
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

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

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

R. REVEGETATION REQUIREMENTS

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

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

- (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

S. EROSION AND SEDIMENTATION CONTROL

- a. All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Code Enforcement Officer for approval and shall include, where applicable, provisions for:
 - i. Mulching and re-vegetation of disturbed soil.
 - ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - iii. Permanent stabilization structures such as retaining walls or riprap.
- b. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

- d. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - i. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - ii. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - iii. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- e. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

T. SOILS

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

U. WATER QUALITY

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

V. ARCHAEOLOGICAL SITES

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

W. MARINE REFUELING FACILITIES

Marine Refueling facilities shall be allowed in the Limited Commercial District for boats and other water related craft primarily operated on the surface of the water. Refueling for seaplanes is not allowed.

Marine Refueling facilities shall comply with the following performance standards:

- a. Space Standards – In addition to the space standards of the Shoreland Zoning Ordinance, marine refueling facilities shall comply with the following standards:
 - i. A minimum of three hundred feet (300') of lake frontage;
 - ii. A setback of one hundred feet (100') from all property lines for the product delivery line;
 - iii. All applicable space standards of the State Fire Marshall's Office.
- b. State and Federal regulations -- In addition to the regulations of the Shoreland Zoning Ordinance, refueling facilities shall comply with all applicable standards of the following:
 - i. The Maine Department of Environmental Protection;
 - ii. The Maine Forestry Service;
 - iii. The Maine Department of Wildlife and Inland Fisheries;
 - iv. The State Fire Marshall's Office and the Town of Gray Fire Department;
 - v. Federal Spill Prevention Containment Control;
 - vi. The Natural Resources Protection Act;
 - vii. All other applicable Local, State and Federal regulations.
- c. A copy of all Certificates of Inspections shall be filed with the Town of Gray Code Enforcement Officer.
- d. Period of operation, noise control, lighting standards, and sureties shall be as determined by the Planning Board.

X. TEMPORARY STRUCTURES

- a. Temporary structures including temporary living quarters used in conjunction with disasters such as fire, flood, lightning, hurricanes, and ice or snowstorms and other forces of nature shall be permitted only during the period that restoration work is in progress.
- b. Restoration work includes the repairing, rebuilding, and altering of a premise, land, or structure to a former, normal, or unimpaired state or condition including but not limited to the cleaning and removal of debris, trash, and waste.
- c. Temporary structures shall not encroach any further upon the setback requirements of the structure destroyed. Any deviation from those setbacks must be approved by the Code Enforcement Officer.
- d. Temporary living quarters shall be connected to the existing septic system or to an alternate system which, in either case, must comply with the Plumbing Code and be approved by the Code Enforcement Officer.
- e. Permits for temporary structures shall be issued for a six- (6) month period and may be renewed by the Code Enforcement Officer for a maximum of one extension provided a duly authorized building and plumbing permit has been issued for a permanent structure.

Y. COMMERCIAL & INDUSTRIAL USES PROHIBITED

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

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing
- l. Printing

Z. ADULT USE MARIJUANA

Home cultivation of personal Adult Use Marijuana is permitted within the Town of Gray in all zones subject to the following restrictions:

- (1) Persons cultivating Adult Use Marijuana must be 21 years of age or older;
- (2) Cultivation of Adult Use Marijuana shall be limited to a total number of three (3) mature marijuana plants and twelve (12) immature marijuana plants on any one parcel or tract of land within the Town;
- (3) Cultivation is only permitted on a parcel or tract of land within the Town on which the person cultivating Adult Use Marijuana is domiciled;
- (4) Cultivation that occurs outdoors shall be sufficiently screened to ensure that plants are not visible from an abutting property or a public or private road or right of way; and
- (5) Cultivation that occurs outdoors must meet all applicable setbacks required for structures under this Ordinance, and in no event shall outdoor cultivation be less than ten (10) feet from any lot line.

The limitations in this section shall apply per person domiciled on a parcel or tract of land and shall not apply to seedlings.

SECTION 16 – ADMINISTRATION

A. **ADMINISTERING BODIES AND AGENTS**

1. Code Enforcement Officer - A Code Enforcement Officer shall be appointed by the Town.
2. Board of Appeals - A Board of Appeals shall be created in accordance with the provisions of Title 30 A Section 2691.
3. Planning Board - A Planning Board shall be created in accordance with the provisions of State law.

B. **PERMITS REQUIRED**

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. In addition, no permit shall be issued under this ordinance unless the application complies with the requirements of Section 601.19 of the Town's Administrative Code Ordinance.

1. A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - b. The replacement culvert is no longer than 75 feet; and
 - c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. **PERMIT APPLICATION**

1. Every applicant for a permit shall submit a written application, including a scaled site plan prepared by a Professional Land Surveyor, Architect, Professional Engineer, or similar, on a form provided by the municipality, to the appropriate official as indicated in Section 14. The scaled site plan shall be an attachment to the Shoreland Zoning permit application and shall include the location of all relevant existing components on the subject parcel specifically including but not limited to the following: (a) footprint of all structures (including overhangs), (b) all subsurface wastewater disposal components, (c) all culverts/significant stormwater infrastructure, (d) streams, drainage ditches, all retaining walls (including height), (e) well for drinking water, (f) trees taller than eight (8) feet (including species and diameter), and, (g) all non-vegetated surfaces such as roads, driveways, walkways, and patios.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. A valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation and/or expansion of a subsurface sewage disposal system.
5. When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.
6. Every applicant for a permit shall submit preconstruction photographs that sufficiently represent the existing site conditions. Additionally, every applicant shall submit post construction photographs to the Code Enforcement Officer no later than 20 days after the completion of the development. Photographs must contain areas of shoreline vegetation and the development site.

D. PROCEDURE FOR ADMINISTERING PERMITS

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

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance and that the accuracy, measurements and documentation are in accordance with the requirements of this ordinance.

After the submission of a complete application, the Planning Board or Code Enforcement Officer, as appropriate, the appropriate reviewing authority shall approve an application or approve it with conditions if the appropriate reviewing authority makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;

2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. SPECIAL EXCEPTIONS FOR SINGLE FAMILY CONSTRUCTION IN THE RESOURCE PROTECTION DISTRICT

In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
3. All proposed buildings, sewage disposal systems and other improvements are:
 - a. Located on natural ground slopes of less than 20%; and
 - b. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

4. The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical

extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. **EXPIRATION OF PERMIT**

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

G. **INSTALLATION OF PUBLIC UTILITY SERVICE**

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. **APPEALS**

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

- a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application or potential ordinance violation under this Ordinance.
- b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

(01) That the land in question cannot yield a reasonable return unless a variance is granted;

(02) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood

(03) That the granting of a variance will not alter the essential character of the locality; and

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

d. Set-back variance for a single family dwelling:

The Board may grant a variance from a set-back requirement for a single family dwelling under this section only when the strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

(i) The need for the variance is due to the unique circumstances of the property and not the general conditions of the neighborhood;

(ii) The granting of the variance will not alter the essential character of the locality;

(iii) The hardship is not the result of action taken by the applicant or prior owner;

(iv) The granting of the variance will not substantially reduce or impair the use of abutting property; and

(v) That the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

This ordinance provision is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. For lots lawfully existing non-conforming lots of record recorded at the Registry of Deeds prior to January 1, 1989, a variance under this subsection may exceed 20% of the setback requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, chapter 3, subchapter I, article 2-B, if the petitioner meets all of the above standards and the relief requested is the least necessary to relieve the hardship.

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

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

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new

evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

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

4. Disability Variance Appeals

a. Dwelling Accessibility

The Code Enforcement Officer shall have the authority to grant a variance that does not include vehicle storage to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The CEO shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The CEO shall impose appropriate conditions on the variance, specifically including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(5)(b)(v).

b. Vehicle Storage

(i) The Board may grant a variance to an owner-occupant who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and for no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph to the Board.

(ii) The person with the permanent disability shall prove such status.

(iii) For purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, Maine Revised Statutes, section 101, subsection 42 with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate (or placard) issued pursuant to Title 29-A, section 521 and owned by the person with the disability.

(iv) The Board may impose conditions on the variance granted pursuant to this subsection.

(v) For the purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

5. Appeal Procedure

a. Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal on forms provided by the Town which includes:
 - (01) A concise written statement indicating what relief is requested and why it should be granted including how the criteria, as applicable, are met.
 - (02) For an Administrative Appeal, a sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
 - (03) For any Variance Appeal, a survey from a Professional Land Surveyor shall be required
- (iii) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Board of Appeals

- (i) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (ii) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- (iii) The person filing the appeal shall have the burden of proof.
- (iv) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (v) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

6. Appeal to Superior Court

Any party may take an appeal, within forty five (45) days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before Superior Court must be without a jury.

7. Reconsideration

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

I. **ENFORCEMENT**

1. Nuisances

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

2. Code Enforcement Officer

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

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to

continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

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

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues.

SECTION 17 – DEFINITIONS

Accessory structure or use – a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure, but shall not include the use of any portion of a lot for purposes related to Medical Marijuana Registered Dispensaries, Medical Marijuana Registered Dispensary Cultivation Facilities, Medical Marijuana Manufacturing Facilities, Medical Marijuana Testing Facilities, Marijuana Food Establishments, Caregivers, Caregiver Retail Stores and Adult Use Marijuana Establishments.

Adult Use – The acquisition, possession, cultivation, consumption, transfer or transportation of marijuana or paraphernalia relating to the consumption of marijuana by persons 21 years of age or older.

Adult Use Marijuana – Marijuana that is cultivated, manufactured, distributed or sold by an adult use marijuana establishment.

Adult Use Marijuana Cultivation Facility – A facility licensed under Maine law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

Adult Use Marijuana Establishment – An adult use marijuana cultivation facility, an adult use marijuana products manufacturing facility, an adult use marijuana testing facility or an adult use marijuana store licensed under Maine law.

Adult Use Marijuana Products Manufacturing Facility – A facility licensed under Maine law to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Adult Use Marijuana Store – A facility licensed under Maine law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility – A facility licensed under Maine law to develop, research and test marijuana, marijuana products and other substances.

Aggrieved party – an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture – the production, keeping or maintenance for use, sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental green house products, including the growing and harvesting of Christmas trees. Such agricultural use will remain in existence until such time as its land use changes to another land use as allowed by the Town Zoning Ordinance. Agriculture does not include forest management and timber harvesting activities, or cultivation of Marijuana for Medical Use or Adult Use.

Alteration – Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Aquaculture – the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area – the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement – any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

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.

Campground – any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Caregiver – A person or an assistant of that person that provides care for a qualifying patient to receive Medical Marijuana pursuant to Maine law.

Caregiver Retail Store – A retail store in which a Caregiver sells harvested marijuana to qualifying patients for the patients' medical use.

Commercial use – the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity 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.

Cultivation – The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of adult use marijuana for personal use, but not including manufacturing, testing, or marijuana extraction.

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.

Dimensional requirements – numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

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

Driveway – a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

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 the threat of destruction or injury.

Essential services – the construction, alteration or maintenance of 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 shall not include service drops or buildings which are necessary for the furnishing of such services.

Excavation contractor – an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

Expansion of a structure – an increase in the footprint or height of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of use – the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family – one or more persons occupying a premise and living as a single housekeeping unit.

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 – the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint – the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forested wetland – a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation – the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick, or similar material.

Freshwater wetland – freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. of ten or more contiguous acres; or of less than 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 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which 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.

Front Property Line – the line separating the [lot](#) from a [road](#) and ordinarily regarded as the front of the lot. On any lot bounded by a road on more than one property line, the front lot line shall be that property line of the lot designated as "[road frontage](#)" in any building permit for such lot.

Frontage, Road – the road frontage shall be on the lot line that lies between the two sidelines and abuts a road. For any lot bounded on more than one property line by a road, only one road shall be used for the purpose of road frontage. Frontage on a cul-de-sac shall be measured at the building setback line. Except as determined by the horizontal distance, between side lot lines, nearest to and roughly parallel to the closest road or street.

Frontage, Shore – the horizontal distance, measured as a straight line, between the intersections of the side lot lines with the shoreline at the normal high water mark elevation or in the case of a wetland, the intersections of the side lot lines with the upland edge.

Functionally water-dependent uses – those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, municipal and State public beach facilities that provide health and safety and beach access services, and uses which primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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

Great pond classified GPA – any great pond classified GPA, pursuant to Title 38 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.

Harvested Marijuana – The plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use, including marijuana concentrate and marijuana products.

Hazard tree – a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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

Home occupation – an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home. Home Occupations shall not include the use of any portion of a lot for purposes related to Medical Marijuana Registered Dispensaries, Medical Marijuana Registered Dispensary Cultivation Facilities, Medical Marijuana Manufacturing Facilities, Medical Marijuana Testing Facilities, Marijuana Food Establishments, Caregivers, Caregiver Retail Stores and Adult Use Marijuana Establishments.

Increase in nonconformity of a structure – any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite – an area of land which is not associated with a campground, 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 a gravel pad, parking area, fire place, or tent platform.

Industrial – the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. Industrial uses shall not include the use of any portion of a lot for purposes related to Medical Marijuana Registered Dispensaries, Medical Marijuana Registered Dispensary Cultivation Facilities, Medical Marijuana Manufacturing Facilities, Medical Marijuana Testing

Facilities, Marijuana Food Establishments, Caregivers, Caregiver Retail Stores and Adult Use Marijuana Establishments.

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, structure or land used for public purposes.

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 coverage – the area of a lot located within the shoreland zone that is covered by structures, driveways, parking areas, and all other non-vegetated surfaces, expressed as a percentage of the total lot area located within the shoreland zone. Note: See Section 403.15.B.4.

Marijuana – The leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. Marijuana includes marijuana concentrate, but does not include industrial hemp as defined by Maine law or a Marijuana Product.

Marijuana concentrate – the resin extracted from any part of the plant genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including hashish. In determining the weight of marijuana concentrate, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.

Marijuana Food Establishment – A factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold, by a Caregiver or Registered Dispensary that prepare food containing marijuana for medical use by a qualifying patient.

Marijuana Extraction – The process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

Manufacture or Manufacturing/Processing – Uses such as a textile mill, shoe factory, metal fabrication, canning of foods, meat packing or grain mill, the preparation of finished products made from foodstuff, fabrics, leather, wood, paper, rubber, stone, clay, glass, plastics, manmade materials and other similar materials. Manufacturing and Processing shall not include any principal or accessory uses related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Marijuana Paraphernalia - Equipment, products and materials of any kind that are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, smoking or otherwise introducing into the human body marijuana for medical use or recreational use as defined in this Chapter, including, without limitation, water pipes, hashish pipes, glass pipes, bongs, vaporizers, scales rolling papers, hydroponic equipment and grow lights and general tobacco products in so-called smoke shops.

Marijuana Product – A product composed of marijuana, harvested marijuana or marijuana concentrate and other ingredients that is intended for medical use or consumption for adult use, including, but not

limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture, but not including marijuana concentrate.

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 which 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.

Market value – the estimated price a property will 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.

Medical Marijuana – Medical Marijuana means marijuana used for “medical use,” as that term is defined herein.

Medical Marijuana Registered Dispensary Cultivation Facility – A facility that is used solely for the purpose of cultivating marijuana by a medical marijuana registered dispensary, which shall be limited to no more than one additional location or as otherwise prescribed by Maine law.

Medical Marijuana Manufacturing Facility – A registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F of Title 22 of the Maine Revised Statutes.

Medical Marijuana Registered Dispensary – An entity registered by the State of Maine under Section 2425-A of Title 22 of the Maine Revised Statutes, as amended, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and caregivers of those patients. A Medical Marijuana Registered Dispensary shall not include a caregiver retail store or an adult use marijuana establishment as defined herein.

Medical Marijuana Testing Facility – A public or private laboratory that: a.) Is authorized in accordance with section 2423-A, subsection 10 of Title 22 of the Maine Revised Statutes, as amended, to analyze contaminants in and the potency and cannabinoid profile of samples; and b.) Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the Department of Administrative and Financial Services.

Medical Use – The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or marijuana paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under Maine law.

Minimum lot width – the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

Mineral extraction – any operation within any twelve (12) month period which 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 to transport the product removed, away from the extraction site.

Multi-unit residential – a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot – a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure – a structure which does not meet any one or more of the following dimensional requirements; setback, height, footprint, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use – use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-forested wetland – a freshwater wetland dominated by non-woody vegetation and/or woody vegetation that is less than six (6) meters tall.

Non-native invasive species of vegetation – species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line – that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which 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.

Outlet stream – any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Person – an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland –

1. Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
2. Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure – a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal use – a use other than one which is wholly incidental or accessory to another use on the same lot.

Public facility – any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils – the following soil series as described and identified by the National Co-Operative Soil Survey:

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

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 Use of Marijuana – Recreational use of marijuana means personal use of marijuana as permitted in 7 M.R.S.A. § 2452, as may be amended from time to time.

Recreational vehicle – a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Registered Caregiver – Registered caregiver means a caregiver who is registered by the Maine Department of Administrative and Financial Services pursuant to 22 M.R.S.A. § 2425-A, as may be amended from time to time.

Replacement system – a system intended to replace: 1.) an existing system which 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.

Retail marijuana– marijuana or marijuana concentrate that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail marijuana cultivation facility – an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail marijuana establishment – a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail marijuana product – a marijuana product that is manufactured, processed, distributed or sold by a licensed retail marijuana establishment or a retail marijuana social club.

Retail marijuana products manufacturing facility – an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail

marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

Retail marijuana social club – an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Retail marijuana store – an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

Retail marijuana testing facility – an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

Residential dwelling unit – a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping 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. Recreational vehicles are not residential dwelling units. A cooking facility means any area of a structure or any appliance intended for the cooking and preparation of food. Cooking appliances include but are not limited to a cooking range, microwave oven, toaster or toaster oven, hot plate, or any other food cooking appliance.

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 flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road – a route or track which may be located within a specific area described in a deed and/or shown on a plan recorded at the Cumberland County Registry of Deeds, 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.

Sapling – a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling – a young tree species that is less than four and one half (4.5) feet in height above ground level.

Service drop – any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right of way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback – the nearest horizontal distance from the normal high-water line of a water body, tributary stream, or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area. For the purposes of determining the setback distance from a road, the setback shall be measured from the closest described boundary as defined in a deed or survey plan, or when a road is not defined in a deed or survey plan, the setback shall be measured from the closest edge of the travelled way. A travelled way includes an associated constructed road shoulder.

Shoreland zone – the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater wetland.

Significant River Segments – See Title 38 MRSA Sec. 437.

Stream – a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; 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.

Substantial start – completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained slope – a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting – the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. “Timber harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a

lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 O, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Tributary stream – a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. 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. “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.

Upland edge – the boundary between upland and wetland. 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) feet) tall or taller.

Vegetation – all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level.

Volume of a structure – the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body – any great pond, river, or stream.

Water Crossing – any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. 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.

Wetland – a freshwater wetland.

Wetlands associated with great ponds and rivers – Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Woody Vegetation – live trees or woody, non-herbaceous shrubs.

**CHAPTER 403 SHORELAND ZONING ORDINANCE
TOWN OF GRAY MAINE**

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Effective Jan. 3, 1992
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SECTION 1 – PURPOSES

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

SECTION 2 – AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

SECTION 3 – APPLICABILITY

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream; and to all land areas within non-forested freshwater wetlands, as defined herein.

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

SECTION 4 – EFFECTIVE DATE

This Ordinance, which was passed by the Town Council on July 7, 2009 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his receipt of the Ordinance, it shall be deemed approved. Upon approval, the shoreland zoning ordinance previously adopted, and as amended from time to time, is repealed retroactively to the date otherwise applicable under the Town Charter; provided, notwithstanding any provisions of Maine law to the contrary, including but not limited to 1 M.R.S.A. Section 302, any application for a shoreland zoning permit submitted to the Town or any of its officers, boards or employees after August 7, 2009 shall be governed the terms hereof if the ordinance secures such approval by the Commissioner.

~~Repeal of Timber Harvesting Regulation. The regulation of timber harvesting activities in this ordinance is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-A(5), the following provisions of this Ordinance are repealed:~~

~~Section 14 Table of Land Uses, Row 3 (Forest management activities except for timber harvesting) and Row 4 (Timber harvesting);~~

~~Section 15 N in its entirety; and~~

SECTION 5 – AVAILABILITY

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

SECTION 6 – SEVERABILITY

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

SECTION 7 – CONFLICTS WITH OTHER ORDINANCES

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

SECTION 8 – AMENDMENTS

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

SECTION 9 – DISTRICTS AND ZONING MAP

A. OFFICIAL SHORELAND ZONING MAP

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

1. Resource Protection
2. Limited Residential
3. Stream Protection
4. Limited Commercial

B. SCALE OF MAP

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

C. CERTIFICATION OF OFFICIAL SHORELAND ZONING MAP

The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the town office.

D. CHANGES TO THE OFFICIAL SHORELAND ZONING MAP

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the official

Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Department of Environmental Protection.

SECTION 10 – INTERPRETATION OF DISTRICT BOUNDARIES

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

SECTION 11 – LAND USE REQUIREMENTS

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

SECTION 12 – NON-CONFORMANCE

A. PURPOSE

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. GENERAL

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which 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.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. NON-CONFORMING STRUCTURES

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure [and is in accordance with subparagraphs \(a\) through \(c\) below](#).

Further Limitations:

[\(a\) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal](#)

structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

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

(i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

(c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(d) ~~The An~~ plan approved by the CEO ~~plan~~ for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming

structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

~~After January 1, 1989 if any portion of a structure is less than the required setback from the normal high water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.~~

2. Whenever Foundations: Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee~~Code Enforcement Officer or designee~~, basing its decision on the criteria specified in Section 12(C)(23) Relocation, below. ~~If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.~~

~~(a) No structure which is less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.~~

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

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

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board~~Code Enforcement Officer~~ shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(QR). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

(b) Where feasible, as determined by the CEO, when a structure is relocated to the greatest practical extent on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

4. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume footprint of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(~~2~~3) above.

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

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Code Enforcement Officer shall consider, in addition to the criteria in paragraph 2Section 12(C)(3) above, the physical condition and type of foundation present, if any.

5. Change of Use of a Non-conforming Structure

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion

and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, ~~and~~ commercial fishing ~~and maritime~~ activities, and other functionally water-dependent uses.

D. **NON-CONFORMING USES**

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1)(~~a~~) above.
2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one--year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)-(45) above.

E. **NON-CONFORMING LOTS**

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and [the State of Maine](#) Subsurface Wastewater Disposal Rules are complied with.

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

3. Contiguous Lots -- Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this

Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

SECTION 13 – ESTABLISHMENT OF DISTRICTS

A. RESOURCE PROTECTION DISTRICT

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

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by ~~either MDIF&W or the Department as of May 1, 2006~~. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
6. All land areas within non-forested freshwater wetlands, as defined herein.

B. LIMITED RESIDENTIAL DISTRICT

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District or Stream Protection District.

C. STREAM PROTECTION DISTRICT

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

area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

D. **LIMITED COMMERCIAL DISTRICT**

Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, ~~which should not be developed as intensively as the General Development Districts~~. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

SECTION 14 – TABLE OF LAND USES

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

Key to Table 1	
Yes	Allowed (no permit required but the use must comply with all applicable land use standards.)
No	Prohibited
PB	Requires permit issued by the Planning Board
CEO	Requires permit issued by the Code Enforcement Officer
LPI	Requires permit issued by the Local Plumbing Inspector
Abbreviations	
RP	Resource Protection
LR	Limited Residential
SP	Stream Protection
LC	Limited Commercial

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

³ In RP not permitted in areas so designated because of wildlife value.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵ Single family residential structures may be allowed by special exception only according to the provisions of Section 16 E, Special Exceptions. Two-family residences are prohibited.

⁶ Except for commercial uses otherwise listed in this Table, such as campgrounds, that are allowed in the respective district.

⁷ Excluding bridges and other crossings not involving earthwork, in which cases no permits are required.

⁸ Permit not required but must file a written “notice of intent to construct” with CEO.

⁹ Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

¹⁰ Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

~~* Subject to the provisions of Article 7, Section 402.7.15 of the Town of Gray Zoning Ordinance.~~

~~+ Subject to the provisions of Chapter 212 of the Town of Gray Zoning Ordinance.~~

¹¹ This shall be construed to limit the use, possession, transport, cultivation, transfer or purchase of Adult Use Marijuana to the greatest extent permitted by the Marijuana Legalization Act (28-B M.R.S.A. §§ 102 – 1504, as may be amended and successor provisions thereof). Further, this ordinance shall be deemed to prohibit, and does hereby prohibit, attempts to circumvent its restriction on selling adult use marijuana by persons or transferring or furnishing marijuana or marijuana concentrate without remuneration, in connection in any way with any lawful transaction under the guise of being a gift or an enhanced consideration for same.

¹² This shall be construed to prohibit Medical Marijuana Cultivation Facilities, Medical Marijuana Registered Dispensaries, Medical Marijuana Registered Dispensary Cultivation Facilities, Medical Marijuana Testing Facilities, Medical Marijuana Manufacturing Facilities, Marijuana Food Establishment, Registered Caregivers and Registered Caregiver Retail Stores in the Shoreland Zone, but shall not be construed to prohibit any other lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B, as may be amended from time to time).

¹³ [See further restrictions in Section 15\(K\) of this Ordinance](#)

~~* Subject to the provisions of Article 7, Section 402.7.15 of the Town of Gray Zoning Ordinance.~~

~~+ Subject to the provisions of Chapter 212 of the Town of Gray Zoning Ordinance.~~

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

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

SECTION 15 – LAND USE STANDARDS

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

A. SPACE STANDARDS

1. Minimum Lot Size: 80,000 sq. ft.
2. Minimum Land Area Per Residential Dwelling Unit: 80,000 sq. ft.
3. Minimum Shore Frontage: 200 ft.
4. Minimum Road Frontage: 200 ft.
5. Maximum Building Height: 35 ft.
6. Minimum Setbacks:
 - a. Waterbodies:
 - i. 100 ft. horizontal distance from normal high water line great ponds & rivers
 - ii. 75 ft. horizontal distance from normal high water line streams, upland edge of wetlands, & other water bodies
 - b. Front Property Line: 25 ft. (~~from edge of road way on property~~)
 - d. c. Road: 25 ft.
 - e. d. Side Property Line: 10 ft.
 - f. e. Rear Property Line: 10 ft.
7. Maximum Lot Coverage ~~with Impervious Surface~~: 20% (See Section 403.15.B.4)
8. Land below the normal high water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
9. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
10. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
11. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. PRINCIPAL AND ACCESSORY STRUCTURES

1. All new principal and accessory structures shall be set back at least one hundred (100) feet horizontal distance from the normal high-water line of great ponds classified GPA and rivers, and seventy-five (75) feet horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In addition, all new principal and accessory structures shall be setback at least ten (10) feet from each side property, ten (10) feet from the rear property line and except as otherwise required by this ordinance, at least twenty-five (25) feet from the front property line or ~~from the edge of a road travel way that crosses the property~~. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects

specifically allowed in that district in which case the setback requirements specified above shall apply.

- a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls necessary for shoreline stabilization, nor to other functionally water dependent uses.
 - b. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
 3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed in accordance with the standards of the Floodplain Management Ordinance and need not meet the elevation requirements of this paragraph.
 4. Lot coverage: The total area of all structures, driveways, parking lots-areas and other non-vegetated surfaces, ~~within the shoreland zone~~ shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.
For the purposes of calculating lot coverage, naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.
 - 4.5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480 C); and that the applicant demonstrates that no reasonable access alternative exists on the property. This shall not constitute a grandfathered setback.
 - 5.6. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;

- b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
- c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
- d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
- e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
- f. The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer does not exist. The buffer must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(1)(2)(a), may traverse the buffer.

C. PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH WATER LINE OF A WATER BODY OR WITHIN A WETLAND, AND SHORELINE STABILIZATION.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. A temporary pier, dock or wharf shall not be wider than six (6) feet for non-commercial uses.
5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
7. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
8. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
9. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
10. Vegetation may be removed in excess of the standards in Section 15(~~ON~~) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
 - (b) Revegetation must occur in accordance with Section 15(~~RQ~~).

NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.

D. **CAMPGROUNDS**

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. **INDIVIDUAL PRIVATE CAMPSITES**

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- ~~1.2.~~ When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- ~~2.3.~~ Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- ~~3.4.~~ Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle. Only a single recreational vehicle shall be permitted on an individual private campsite.
- ~~4.5.~~ The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- ~~5.6.~~ A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- ~~6.7.~~ When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. **PARKING AREAS**

1. Parking areas shall meet the setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than fifty (50) feet horizontal distance from the normal high-water line of the shore or tributary stream or from the upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists further from the shoreline, wetland or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal travel aisles: Approximately twenty (20) feet wide.

G. **ROADS AND DRIVEWAYS**

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

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

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

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this sub-section except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection P.
5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

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

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

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

H. SIGNS

In addition to applicable standards established in Chapter 406 (Sign Ordinance), signs shall conform to all of the following provisions which shall govern the use of signs in the Resource Protection, Stream Protection and Limited Residential Districts: (Note: See also Section 7)

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed one (1) sign per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs shall be permitted, provided such signs shall not exceed one (1) sign per premise.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than eight (8) feet above the ground to the highest point of the sign.
7. Signs may be illuminated only by shielded, non-flashing lights.

I. STORM WATER RUNOFF

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

J. SEPTIC WASTE DISPOSAL

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

K. ESSENTIAL SERVICES

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

L. MINERAL EXPLORATION AND EXTRACTION

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph [4-3](#) below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A, Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a

wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from offsite sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

M. **AGRICULTURE**

1. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the [former](#) Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled in an unprotected manner so as to produce runoff within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river or stream flowing to a great pond, classified GPA, or within seventy five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands, ~~except not more than sixty (60) cubic feet of manure may be temporarily stored or stockpiled for a period not to exceed sixty (60) consecutive days. Within five (5) years of the effective date of this ordinance all~~ All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision ~~within the above five (5) year period.~~
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, ~~disposal~~ or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Once such a plan has been recorded, such plan may be transferred to a new owner provided such agricultural activity continues to be in conformance with the Plan. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

4. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of

tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained but shall require a Soil and Water Conservation plan to be filed with the Planning Board. Once a Soil and Water Conservation Plan for the tilling of soil has been recorded with the Planning Board, the rights and privileges of such plan may be transferred to a new owner provided the tilling practice continues to be in conformance with the plan.

5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan [that has been filed with the Planning Board](#). Once a Soil and Water Conservation Plan for livestock grazing has been recorded with the Planning Board, the rights and privileges of such plan may be transferred to a new owner provided the livestock grazing practices continues to be in conformance with the plan.

~~N. — N. TIMBER HARVESTING -~~

REPEALED

~~*Note: 1. Town administration of Timber Harvesting has been repealed.*~~

~~*2. Timber harvesting within the shoreland zone is regulated by the Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry, and is not regulated by the Town of Gray.*~~

- ~~1. In a shoreland area zoned for the resource protection abutting a great pond, timber harvesting shall be limited to the following:~~
 - ~~a. Within the strip of land extending seventy five (75) feet horizontal distance inland from the normal high water line timber harvesting may be conducted when the following conditions are met:
 - ~~(i) The ground is frozen;~~
 - ~~(ii) There is no resultant soil disturbance;~~
 - ~~(iii) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;~~
 - ~~(iv) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well distributed stand of trees and other natural vegetation remains;~~
and
 - ~~(v) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.~~~~
 - ~~b. Beyond the seventy five (75) foot buffer strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over four (4) inches in diameter measured at four and one half (4 1/2) feet above ground level be reduced to less than thirty (30) square feet per acre.~~

2. ~~Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:~~
- a. ~~Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:~~
 - (i) ~~Within one hundred (100) feet, horizontal distance of the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy five (75) feet, horizontal distance, of the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear cut openings and a well distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~
 - (ii) ~~At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy five (75) feet, horizontal distance, of the normal high water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.~~
 - b. ~~Timber harvesting operations exceeding the 40% limitation in sub-section a. above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.~~
 - c. ~~No accumulation of slash shall be left within fifty (50) feet of the normal high water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water line of a water body shall be removed.~~
 - d. ~~Timber harvesting equipment shall not use stream channels as travel routes except when:~~
 - (i) ~~Surface waters are frozen; and~~
 - (ii) ~~The activity will not result in any ground disturbance.~~
 - e. ~~All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
 - f. ~~Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.~~

~~g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high water line of a water body or upland edge of a wetland.~~

O. CLEARING OR REMOVAL OF VEGETATION FOR DEVELOPMENT ACTIVITIES OTHER THAN TIMBER HARVESTING

1. Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high water line, except to remove ~~safety hazards~~hazard trees as described in Section 15(PQ).

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

2. Shoreline Buffer Strip: Except in areas as described in Paragraph 1, above, ~~and except to allow for the development of permitted uses,~~ within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river, ~~and or within a strip extending~~ seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a shoreline buffer strip of vegetation shall be preserved as follows:

h.a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks is ~~permitted~~allowed for accessing the shoreline provided that a cleared line of sight to the water through the shoreline buffer strip is not created.

i.b. Selective cutting of trees within the shoreline buffer strip is permitted provided that a well well-distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees ~~and other vegetation~~" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of ~~12-24~~ or more in ~~any each~~ 25-foot by ~~25~~50-foot square (~~625~~ 1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2- <u><</u> 4 in.	1
>4- 8 <u>12</u> in.	2
<u>8- <12 in.</u>	<u>4</u>
>12 in. <u>or greater</u>	<u>48</u>

Adjacent to other water bodies, tributary streams, and wetlands, a "well distributed stand of trees ~~and other vegetation~~" is defined as maintaining a minimum rating score of ~~8-16~~ per 25-foot ~~by 50-foot-square~~ rectangular area.

Note: As an example, adjacent to a great pond, if a 25-foot x ~~2550~~-foot plot contains ~~three~~ four (~~34~~) trees between 2 and 4 inches in diameter, ~~three-two~~ trees between 4 and ~~12-8~~ inches in diameter, ~~and~~ three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is: (~~3-4~~ x 1) + (~~3-2~~ x 2) + (3 x 4) + (2 x 8) = ~~21-36~~ points

Thus, the 25-foot by ~~2550~~-foot plot contains trees worth ~~21-36~~ points. Trees totaling ~~9-12~~ points (~~21-12=9~~) ~~may be removed from the plot provided that no cleared openings are created.~~

36-24=12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

The 25-foot by ~~2550~~-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

- (i) Each successive plot must be adjacent to, but not overlap a previous plot;
- (ii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iii) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
- (iv) Where conditions permit, no more than 50% of the points on any 25-foot by ~~2550~~-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this sub-section, "other natural vegetation" ~~that must be retained in addition to trees meeting the point system requirements~~ is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least ~~three-five~~ (~~35~~) saplings less than two (2) inches in diameter at four and one-half (4 ½) feet above ground level for each 25-foot by ~~2550~~-foot rectangular area. If ~~three-five~~ (~~35~~) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until ~~3-5~~ saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

j.c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Section 15 ~~0~~ (~~NO~~). paragraphs 2 and 2a. above.

~~k.d.~~ Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, ~~diseased, unsafe, or~~ dead, ~~or hazard~~ trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section ~~OP~~, below, unless existing new tree growth is present.

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

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

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

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

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

P. HAZARD TREES, STORM-DAMAGED TREES, AND DEAD TREE REMOVAL

1. Hazard trees in the shoreland zone may be removed with a permit from the Code Enforcement Officer if the following requirements are met:

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

- (b) Outside of the shoreline buffer strip, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
- (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
- (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
- (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- 2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

 - (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
 - (b) Outside of the shoreline buffer strip, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs

within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

Q. EXEMPTIONS TO CLEARING AND VEGETATION REMOVAL REQUIREMENTS

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(~~NO~~), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(~~ON~~) apply;
2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(M) are complied with;
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

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

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

R. REVEGETATION REQUIREMENTS

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

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 - (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

P.S. EROSION AND SEDIMENTATION CONTROL

- a. All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Code Enforcement Officer for approval and shall include, where applicable, provisions for:
 - i. Mulching and re-vegetation of disturbed soil.
 - ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - iii. Permanent stabilization structures such as retaining walls or riprap.
- b. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity.

The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

- d. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - i. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - ii. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - iii. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- e. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

Q.T. SOILS

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

R.U. WATER QUALITY

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

S.V. ARCHAEOLOGICAL SITES

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

T.W. MARINE REFUELING FACILITIES

Marine Refueling facilities shall be allowed in the Limited ~~Residential-Commercial~~ District for boats and other water related craft primarily operated on the surface of the water. Refueling for

seaplanes is not allowed.

Marine Refueling facilities shall comply with the following performance standards:

- a. Space Standards – In addition to the space standards of the Shoreland Zoning Ordinance, marine refueling facilities shall comply with the following standards:
 - i. A minimum of three hundred feet (300') of lake frontage;
 - ii. A setback of one hundred feet (100') from all property lines for the product delivery line;
 - iii. All applicable space standards of the State Fire Marshall's Office.
- b. State and Federal regulations -- In addition to the regulations of the Shoreland Zoning Ordinance, refueling facilities shall comply with all applicable standards of the following:
 - i. The Maine Department of Environmental Protection;
 - ii. The Maine Forestry Service;
 - iii. The Maine Department of Wildlife and Inland Fisheries;
 - iv. The State Fire Marshall's Office and the Town of Gray Fire Department;
 - v. Federal Spill Prevention Containment Control;
 - vi. The Natural Resources Protection Act;
 - vii. All other applicable Local, State and Federal regulations.
- c. A copy of all Certificates of Inspections shall be filed with the Town of Gray Code Enforcement Officer.
- d. Period of operation, noise control, lighting standards, and sureties shall be as determined by the Planning Board.

U.X. **TEMPORARY STRUCTURES**

- a. Temporary structures including temporary living quarters used in conjunction with disasters such as fire, flood, lightning, hurricanes, and ice or snowstorms and other forces of nature shall be permitted only during the period that restoration work is in progress.
- b. Restoration work includes the repairing, rebuilding, and altering of a premise, land, or structure to a former, normal, or unimpaired state or condition including but not limited to the cleaning and removal of debris, trash, and waste.
- c. Temporary structures shall not encroach any further upon the setback requirements of the structure destroyed. Any deviation from those setbacks must be approved by the Code Enforcement Officer.
- d. Temporary living quarters shall be connected to the existing septic system or to an alternate system which, in either case, must comply with the Plumbing Code and be approved by the Code Enforcement Officer.
- e. Permits for temporary structures shall be issued for a six- (6) month period and may be renewed by the Code Enforcement Officer for a maximum of one extension provided a duly authorized building and plumbing permit has been issued for a permanent structure.

V.Y. COMMERCIAL & INDUSTRIAL USES PROHIBITED

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

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing
- l. Printing

W.Z. ADULT USE MARIJUANA

Home cultivation of personal Adult Use Marijuana is permitted within the Town of Gray in all zones subject to the following restrictions:

- (1) Persons cultivating Adult Use Marijuana must be 21 years of age or older;
- (2) Cultivation of Adult Use Marijuana shall be limited to a total number of three (3) mature marijuana plants and twelve (12) immature marijuana plants on any one parcel or tract of land within the Town;
- (3) Cultivation is only permitted on a parcel or tract of land within the Town on which the person cultivating Adult Use Marijuana is domiciled;
- (4) Cultivation that occurs outdoors shall be sufficiently screened to ensure that plants are not visible from an abutting property or a public or private road or right of way; and
- (5) Cultivation that occurs outdoors must meet all applicable setbacks required for structures under this Ordinance, and in no event shall outdoor cultivation be less than ten (10) feet from any lot line.

The limitations in this section shall apply per person domiciled on a parcel or tract of land and shall not apply to seedlings.

SECTION 16 – ADMINISTRATION

A. **ADMINISTERING BODIES AND AGENTS**

1. Code Enforcement Officer - A Code Enforcement Officer shall be appointed by the Town.
2. Board of Appeals - A Board of Appeals shall be created in accordance with the provisions of Title 30 A Section 2691.
3. Planning Board - A Planning Board shall be created in accordance with the provisions of State law.

B. **PERMITS REQUIRED**

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. In addition, no permit shall be issued under this ordinance unless the application complies with the requirements of Section 601.19 of the Town's Administrative Code Ordinance.

1. A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - b. The replacement culvert is no longer than 75 feet; and
 - c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. **PERMIT APPLICATION**

1. Every applicant for a permit shall submit a written application, including a scaled site plan prepared by a Professional Land Surveyor, Architect, Professional Engineer, or similar, on a form provided by the municipality, to the appropriate official as indicated in Section 14. The scaled site plan shall be an attachment to the Shoreland Zoning permit application and shall include the location of all relevant existing components on the subject parcel specifically including but not limited to the following: (a) footprint of all structures (including overhangs), (b) all subsurface wastewater disposal components, (c) all culverts/significant stormwater infrastructure, (d) streams, drainage ditches, all retaining walls (including height), (e) well for drinking water, (f) trees taller than eight (8) feet (including species and diameter), and, (g) all non-vegetated surfaces such as roads, driveways, walkways, and patios.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. ~~If the property is not served by a public sewer,~~ a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation and/or expansion of a subsurface sewage disposal system.
5. When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.
- 4.6. Every applicant for a permit shall submit preconstruction photographs that sufficiently represent the existing site conditions. Additionally, every applicant shall submit post construction photographs to the Code Enforcement Officer no later than 20 days after the completion of the development. Photographs must contain areas of shoreline vegetation and the development site.

D. PROCEDURE FOR ADMINISTERING PERMITS

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

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance and that the accuracy, measurements and documentation are in accordance with the requirements of this ordinance.

After the submission of a complete application, the Planning Board or Code Enforcement Officer, as appropriate, the appropriate reviewing authority shall approve an application or approve it with conditions if the appropriate reviewing authority makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;

2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. SPECIAL EXCEPTIONS FOR SINGLE FAMILY CONSTRUCTION IN THE RESOURCE PROTECTION DISTRICT

In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
3. All proposed buildings, sewage disposal systems and other improvements are:
 - a. Located on natural ground slopes of less than 20%; and
 - b. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

4. The total ~~ground-floor area~~footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical

extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. **EXPIRATION OF PERMIT**

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

G. **INSTALLATION OF PUBLIC UTILITY SERVICE**

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

H. **APPEALS**

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

- a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application or potential ordinance violation under this Ordinance.
- b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

~~Except as provided in subsection 2-A,~~ Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- (01) That the land in question cannot yield a reasonable return unless a variance is granted;
- (02) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood
- (03) That the granting of a variance will not alter the essential character of the locality; and
- (04) That the hardship is not the result of action taken by the applicant or a prior owner.

d. Set-back variance for a single family dwelling:

The Board may grant a variance from a set-back requirement for a single family dwelling under this section only when the strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- (i) The need for the variance is due to the unique circumstances of the property and not the general conditions of the neighborhood;
- (ii) The granting of the variance will not alter the essential character of the locality;
- (iii) The hardship is not the result of action taken by the applicant or prior owner;
- (iv) The granting of the variance will not substantially reduce or impair the use of abutting property; and
- (v) That the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

This ordinance provision is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. For lots lawfully existing non-conforming lots of record recorded at the Registry of Deeds prior to January 1, 1989, a variance under this subsection may exceed 20% of the setback requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, chapter 3, subchapter I, article 2-B, if the petitioner meets all of the above standards and the relief requested is the least necessary to relieve the hardship.

- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ~~insure~~ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of

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

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

4. Disability Variance Appeals

a. Dwelling Accessibility

The ~~Board of Appeals, or the Code Enforcement Officer if authorized in accordance with 30-A MRSA §4353-A, may shall have the authority to~~ grant a variance that does not include vehicle storage to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. -The ~~board-CEO~~ shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The ~~board-may~~CEO shall impose appropriate conditions on the variance, specifically including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. -The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(5)(b)(v).

b. Vehicle Storage

- (i) The Board may grant a variance to an owner-occupant who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and for no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph to the Board.
- (ii) The person with the permanent disability shall prove such status.
- (iii) For purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, Maine Revised Statutes, section 101, subsection 42 with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate (or placard) issued pursuant to Title 29-A, section 521 and owned by the person with the disability.
- (iv) The Board may impose conditions on the variance granted pursuant to this subsection.

- (v) For the purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

5. Appeal Procedure

a. Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal on forms provided by the Town which includes:
 - (01) A concise written statement indicating what relief is requested and why it should be granted including how the criteria, as applicable, are met.
 - (02) For an Administrative Appeal, a sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
 - ~~(02)~~(03) For any Variance Appeal, a survey from a Professional Land Surveyor shall be required
- (iii) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision by Board of Appeals

- (i) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (ii) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- (iii) The person filing the appeal shall have the burden of proof.
- (iv) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (v) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof. The Board shall cause written notice of its decision to be mailed or

hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

6. Appeal to Superior Court

Any party may take an appeal, within forty five (45) days of the date of the vote on the original decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before Superior Court must be without a jury.

7. Reconsideration

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

I. **ENFORCEMENT**

1. Nuisances

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

2. Code Enforcement Officer

a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct onsite inspections to ~~insure~~ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. ~~On an biennial basis, beginning in 1992, a summary of this record shall be submitted by March 1 to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.~~

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby

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

4. Fines

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

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues.

SECTION 17 – DEFINITIONS

Accessory structure or use – a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure, but shall not include the use of any portion of a lot for purposes related to Medical Marijuana Registered Dispensaries, Medical Marijuana Registered Dispensary Cultivation Facilities, Medical Marijuana Manufacturing Facilities, Medical Marijuana Testing Facilities, Marijuana Food Establishments, Caregivers, Caregiver Retail Stores and Adult Use Marijuana Establishments.

Adult Use ~~–~~ The acquisition, possession, cultivation, consumption, transfer or transportation of marijuana or paraphernalia relating to the consumption of marijuana by persons 21 years of age or older.

Adult Use Marijuana ~~–~~ Marijuana that is cultivated, manufactured, distributed or sold by an adult use marijuana establishment.

Adult Use Marijuana Cultivation Facility ~~–~~ A facility licensed under Maine law to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use marijuana; to sell adult use marijuana to products manufacturing facilities, to marijuana stores and to other cultivation facilities; and to sell marijuana plants and seeds to other cultivation facilities and immature marijuana plants and seedlings to marijuana stores.

Adult Use Marijuana Establishment ~~–~~ An adult use marijuana cultivation facility, an adult use marijuana products manufacturing facility, an adult use marijuana testing facility or an adult use marijuana store licensed under Maine law.

Adult Use Marijuana Products Manufacturing Facility ~~–~~ A facility licensed under Maine law to purchase adult use marijuana from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use marijuana and adult use marijuana products; and to sell adult

use marijuana and adult use marijuana products to marijuana stores and to other products manufacturing facilities.

Adult Use Marijuana Store ~~—~~ ~~÷~~—A facility licensed under Maine law to purchase adult use marijuana, immature marijuana plants and seedlings from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult Use Marijuana Testing Facility ~~—~~ ~~÷~~—A facility licensed under Maine law to develop, research and test marijuana, marijuana products and other substances.

Aggrieved party – an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture ~~—~~ ~~÷~~—the production, keeping or maintenance for use, sale or lease, of plants ~~and~~/or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental ~~and~~ green house products, including the growing and harvesting of Christmas trees. Such agricultural use will remain in existence until such time as its land use changes to another land use as allowed by the Town Zoning Ordinance. Agriculture does not include forest management and timber harvesting activities, or cultivation of Marijuana for Medical Use or Adult Use.

~~**Aggrieved party**—an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.~~

Alteration – Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Aquaculture – the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area – the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement – any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

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.

Campground – any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Caregiver ~~—~~ ~~÷~~—A person or an assistant of that person that provides care for a qualifying patient to receive Medical Marijuana pursuant to Maine law.

Caregiver Retail Store ~~—~~ ~~÷~~—A retail store in which a Caregiver sells harvested marijuana to qualifying patients for the patients' medical use.

Commercial use – the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity 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.

Cultivation – The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of adult use marijuana for personal use, but not including manufacturing, testing, or marijuana extraction.

~~**DBH** – the diameter of a standing tree measured 4.5 feet from ground level.~~

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.

Dimensional requirements – numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

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

Driveway – a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

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 the threat of destruction or injury.

Essential services – the construction, alteration or maintenance of 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 shall not include service drops or buildings which are necessary for the furnishing of such services.

~~**Excavation contractor** – an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.~~

Expansion of a structure – an increase in the ~~floor area or volume~~ footprint or height of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of use – the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family – one or more persons occupying a premise and living as a single housekeeping unit.

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

Footprint – ~~the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.~~

Forest management activities – ~~timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.~~

Forested wetland – a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation – ~~the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, sills, posts or frostwalls~~ basements, slabs, frostwalls, or other base consisting of concrete, block, brick, or similar material.

Freshwater wetland – freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. of ten or more contiguous acres; or of less than 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 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which 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.

Front Property Line – ~~the line separating the lot from a road and ordinarily regarded as the front of the lot. On any lot bounded by a road on more than one property line, the front lot line shall be that property line of the lot designated as "road frontage" in any building permit application for such lot.~~

Frontage, Road – the road frontage shall be on the lot line that lies between the two sidelines and abuts a road. For any lot bounded on more than one property line by a road, only one road shall be used for the purpose of road frontage. Frontage on a cul-de-sac shall be measured at the building setback line. Except as determined by the horizontal distance, between side lot lines, nearest to and roughly parallel to the closest road or street.

Frontage, Shore – the horizontal distance, measured as a straight line, between the intersections of the side lot lines with the shoreline at the normal high water mark elevation or in the case of a wetland, the intersections of the side lot lines with the upland edge.

Functionally water-dependent uses – those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, ~~excluding recreational boat storage buildings,~~ finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline

[structures necessary for erosion control purposes](#), industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, [municipal and State public beach facilities that provide health and safety and beach access services](#), and uses which primarily provide general public access to ~~marine~~ ~~inland~~ ~~tidal~~-waters. [Recreational boat storage buildings are not considered to be a functionally water-dependent use.](#)

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

Great pond classified GPA – any great pond classified GPA, pursuant to Title 38 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.

Harvested Marijuana – The plant material harvested from a mature marijuana plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use, including marijuana concentrate and marijuana products.

[Hazard tree](#) – [–a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.](#)

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

Home occupation – an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home. Home Occupations shall not include the use of any portion of a lot for purposes related to Medical Marijuana Registered Dispensaries, Medical Marijuana Registered Dispensary Cultivation Facilities, Medical Marijuana Manufacturing Facilities, Medical Marijuana Testing Facilities, Marijuana Food Establishments, Caregivers, Caregiver Retail Stores and Adult Use Marijuana Establishments.

Increase in nonconformity of a structure – any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the

dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite – an area of land which is not associated with a campground, 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 [a gravel pads](#), parking areas, fire places, or tent platforms.

Industrial – the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. Industrial uses shall not include the use of any portion of a lot for purposes related to Medical Marijuana Registered Dispensaries, Medical Marijuana Registered Dispensary Cultivation Facilities, Medical Marijuana Manufacturing Facilities, Medical Marijuana Testing Facilities, Marijuana Food Establishments, Caregivers, Caregiver Retail Stores and Adult Use Marijuana Establishments.

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, structure or land used for public purposes.

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 coverage – [the area of a lot located within the shoreland zone that is covered by structures, driveways, parking areas, and all other non-vegetated surfaces, expressed as a percentage of the total lot area located within the shoreland zone.](#) [Note: See Section 403.15.B.4.](#)

Marijuana – The leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. Marijuana includes marijuana concentrate, but does not include industrial hemp as defined by Maine law or a Marijuana Product.

Marijuana concentrate – the resin extracted from any part of the plant genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including hashish. In determining the weight of marijuana concentrate, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.

Marijuana Food Establishment – A factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold, by a Caregiver or Registered Dispensary that prepare food containing marijuana for medical use by a qualifying patient.

Marijuana Extraction – The process of extracting marijuana concentrate from marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

Manufacture or Manufacturing/Processing – Uses such as a textile mill, shoe factory, metal fabrication, canning of foods, meat packing or grain mill, the preparation of finished products made from foodstuff, fabrics, leather, wood, paper, rubber, stone, clay, glass, plastics, manmade materials and

other similar materials. Manufacturing and Processing shall not include any principal or accessory uses related to medical marijuana cultivation facilities, medical marijuana registered dispensaries, adult use marijuana establishments, marijuana food establishments, marijuana extraction, or the manufacturing of marijuana concentrate or marijuana products as defined herein, unless expressly authorized herein.

Marijuana Paraphernalia - Equipment, products and materials of any kind that are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, smoking or otherwise introducing into the human body marijuana for medical use or recreational use as defined in this Chapter, including, without limitation, water pipes, hashish pipes, glass pipes, bongs, vaporizers, scales rolling papers, hydroponic equipment and grow lights and general tobacco products in so-called smoke shops.

Marijuana Product ~~—~~—A product composed of marijuana, harvested marijuana or marijuana concentrate and other ingredients that is intended for medical use or consumption for adult use, including, but not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture, but not including marijuana concentrate.

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 which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, ~~boat~~ bait and tackle shops and marine fuel service facilities.

Market value – the estimated price a property will 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.

Medical Marijuana ~~—~~—Medical Marijuana means marijuana used for “medical use,” as that term is defined herein.

Medical Marijuana Registered Dispensary Cultivation Facility ~~—~~—A facility that is used solely for the purpose of cultivating marijuana by a medical marijuana registered dispensary, which shall be limited to no more than one additional location or as otherwise prescribed by Maine law.

Medical Marijuana Manufacturing Facility ~~—~~—A registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in marijuana extraction under section 2423-F of Title 22 of the Maine Revised Statutes.

Medical Marijuana Registered Dispensary ~~—~~—An entity registered by the State of Maine under Section 2425-A of Title 22 of the Maine Revised Statutes, as amended, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and caregivers of those patients. A Medical Marijuana Registered Dispensary shall not include a caregiver retail store or an adult use marijuana establishment as defined herein.

Medical Marijuana Testing Facility – A public or private laboratory that: a.) Is authorized in accordance with section 2423-A, subsection 10 of Title 22 of the Maine Revised Statutes, as amended, to analyze contaminants in and the potency and cannabinoid profile of samples; and b.) Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the Department of Administrative and Financial Services.

Medical Use – The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or marijuana paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under Maine law.

Minimum lot width – the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

Mineral extraction – any operation within any twelve (12) month period which 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 to transport the product removed, away from the extraction site.

Multi-unit residential – a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot – a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure – a structure which does not meet any one or more of the following dimensional requirements; setback, height, [footprint](#), or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use – use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-forested wetland – a freshwater wetland dominated by non-woody vegetation and/or woody vegetation that is less than six (6) meters tall.

[Non-native invasive species of vegetation](#) – [species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.](#)

Normal high-water line – that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which 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.

Outlet stream – any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

Person – an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland –

1. Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
2. Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure – a building structure other than one which is used for purposes wholly incidental or accessory to the use of another building structure or use on the same premises lot.

Principal use – a use other than one which is wholly incidental or accessory to another use on the same premises lot.

Public facility – any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils – the following soil series as described and identified by the National Cooperative Soil Survey:

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

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 Use of Marijuana – Recreational use of marijuana means personal use of marijuana as permitted in 7 M.R.S.A. § 2452, as may be amended from time to time.

Recreational vehicle – a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Registered Caregiver — Registered caregiver means a caregiver who is registered by the Maine Department of Administrative and Financial Services pursuant to 22 M.R.S.A. § 2425-A, as may be amended from time to time.

Replacement system — a system intended to replace: 1.) an existing system which 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.

Retail marijuana— marijuana or marijuana concentrate that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail marijuana cultivation facility — an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail marijuana establishment — a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail marijuana product — a marijuana product that is manufactured, processed, distributed or sold by a licensed retail marijuana establishment or a retail marijuana social club.

Retail marijuana products manufacturing facility — an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

Retail marijuana social club — an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Retail marijuana store — an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

Retail marijuana testing facility — an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

Residential dwelling unit — a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping 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. Recreational vehicles are not residential dwelling units. [A cooking facility means any area of a structure or any appliance intended for the cooking and preparation of food. Cooking appliances include but are not limited to a cooking range, microwave oven, toaster or toaster oven, hot plate, or any other food cooking appliance.](#)

~~**Residual Basal Area** — the sum of the basal area of trees remaining on a harvested site.~~

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 flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road — a route or track [which may be located within a specific area described in a deed and/or shown on a plan recorded at the Cumberland County Registry of Deeds](#), 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.

Sapling – a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling – a young tree species that is less than four and one half (4.5) feet in height above ground level.

Service drop – any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right of way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback – the nearest horizontal distance from the normal high-water line of a water body, tributary stream, or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated object or area. For the purposes of determining the setback distance from a road, -the setback shall be measured from the closest described boundary as defined in a deed or survey plan, or when a road is not defined in a deed or survey plan, the setback shall be measured from the closest edge of the travelled way. A travelled way includes an associated constructed road shoulder.

Shoreland zone – the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet, horizontal distance, of the upland edge of a ~~coastal~~ freshwater wetland; or within seventy-five (75) feet , horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater wetland.

Significant River Segments – See Title 38 MRSA Sec. 437.

~~**Skid trail**—a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.~~

~~**Slash**—the residue, e.g., treetops and branches, left on the ground after a timber harvest.~~

Stream – a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the ~~edition of a~~ United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map, on the website of the United States Geological Survey or the national map to the point where the body of water stream becomes a river or flows to where the stream meets the shoreland zone of another water body or wetland. within a shoreland area. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure – anything [temporarily or permanently located](#), built, [constructed or erected](#) for the support, shelter or enclosure of persons, animals, goods or property of any kind, ~~together with or~~ anything constructed or erected ~~with a fixed location~~ on or in the ground, ~~exclusive of fences~~. The term includes structures temporarily or permanently located, such as decks, [patios](#), and satellite dishes. [Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; 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.](#)

Substantial start – completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained slope – a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting – the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. “Timber harvesting” does not include the [clearing of land for approved construction](#) ~~cutting or removal of vegetation within the shoreland zone when associated with any other land use activities~~. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 ~~NO~~, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Tributary stream – a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. 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. “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.

Upland edge – the boundary between upland and wetland. 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~~feet) tall or taller.

Vegetation – all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level.

Volume of a structure – the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body – any great pond, river, ~~stream~~ or ~~streamtidal-area~~.

Water Crossing – any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. 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.

Wetland – a freshwater wetland.

~~Wetlands associated with great ponds and rivers – –Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.~~

~~Wetlands associated with great ponds and rivers – wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected buy surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.~~

Woody Vegetation – live trees or woody, non-herbaceous shrubs.



TOWN OF GRAY

24 MAINE STREET
GRAY, MAINE 04039

NATE RUDY, TOWN MANAGER
TOWN CLERK, REGISTRAR OF VOTERS
TEL: (207) 657-3339; FAX (207) 657-2852
www.graymaine.org

April 29, 2021

TO: Gray Town Council
RE: Proposed Temporary Moratorium on Residential Housing in the Village Districts

The Town Planning office has drafted the proposed **Village District(s) Single & Two-Family Moratorium Ordinance**, for which I refer to *Section 2. Moratorium Declared*, for the rationale under which the moratorium is proposed.

In summary, we need time to review and update the current zoning ordinances and performance standards to align them with the goals of the 2020 Comprehensive Plan and Gray's Open Space Plan, and the temporary moratorium will provide that time. The effective date of the proposed temporary moratorium will be April 6, 2021, with a term not to exceed 180 days.

The urgency for addressing development in the Gray Village Districts comes from the priorities and goals of the 2020 Comprehensive Plan, the goals conveyed to the Town Manager and Staff related to the Gray Village master planning and revitalization effort, and the goals of the Council's proposed acquisition of properties along Main Street and Lewiston Road in the Gray Village, to promote short- and long-term development that we propose will benefit Gray citizens and property taxpayers.

The Town of Gray appreciates and values the new residential developments we have experienced in recent years. We seek to promote new housing starts that are harmonious with existing neighborhoods, exemplify qualities that will protect property values and increase land values in Gray, and that protect Gray's rural character as a priority of the Comprehensive Plan.

The current proposed moratorium provides a short period of time to review the basic criteria for housing construction in the Village Districts, but we also plan to review that criteria in other zones.

We expect to complete a Town-wide review of zoning ordinances and performance standards for cohesion with the goals of the 2020 Comprehensive Plan in the next 12 to 18 months.

TOWN OF GRAY
VILLAGE DISTRICT(S) SINGLE & TWO-FAMILY MORATORIUM ORDINANCE

THE TOWN OF GRAY adopts a Moratorium in the Village Districts for the construction or expansion of all Single-Family, Accessory Apartments, & Two-Family dwellings.

Section 1. Definitions.

Accessory Apartment means a dwelling unit on a lot that is subordinate to a single-family dwelling residential use and conforms to the definition and standards established in Chapter 402, Town of Gray Zoning Ordinance.

Multi-Family Development means a lot which contains one or more multifamily dwellings, two or more duplexes, three or more single family dwellings, or any combination of buildings containing three or more dwelling units.

Single-Family Dwelling means a detached dwelling unit designed for and occupied by one family unit only.

Two-Family Dwelling means detached dwelling containing two dwelling units designed for and occupied by not more than two families living independently of each other.

Village Zoning Districts means the Village Center District and the Village Center Proper Zoning Districts, which are the most densely developed portion of the Town of Gray and is intended to provide services and shopping opportunities to the residents of the community, and to visitors, in a pleasant, village type, shopping environment.

Section 2. Moratorium Declared.

WHEREAS, The Comprehensive Plan Steering Committee was created in 2019 to update the town's 2003 Comprehensive Plan;

WHEREAS, the Town has a newly adopted Comprehensive Plan deemed consistent by the State in November 2020 it intends to implement;

WHEREAS, this major effort involved a sustained focus on reaching out to the public to update the Town's vision for what Gray could be in the future, to identify the priorities, challenges and opportunities Gray could be facing over the next 10-15 years, and to articulate the closely held values of the people who live and work in Gray;

WHEREAS, the Town of Gray's Comprehensive Plan of 2020 prioritizes a focus on moving people safely through Gray and getting around town via walking, biking, car, or public transportation; protection of Gray's rural character and natural resources and investment in the Village and community programs;

WHEREAS, the Gray Town Council has directed the Town Manager and Staff to focus on strategic planning initiatives to promote new business and real estate development in Gray;

WHEREAS, prioritizing growth in places where people already live, work and visit is part of the GPCOG *Transit Tomorrow* vision for a transportation network, and Whereas, the Town of Gray will make substantial investments in major water, storm water, road and sidewalk, and other projects in the Gray Village, and along roads and traffic corridors for which it is a hub;

WHEREAS, Gray's Open Space Plan is anticipated to prioritize development along corridors with existing infrastructure and the density to warrant maintenance and new investment in drinking water, storm water, and natural gas infrastructure;

WHEREAS, thoughtful investments in Gray's infrastructure and built environments can reflect the town's values in neighborhood cohesion, compatible uses, public health, and community safety;

WHEREAS, the Town of Gray's investments should represent a sustainable return in tax base for the cost of maintaining necessary infrastructure for commercial and residential uses;

WHEREAS, thoughtful zoning, ordinances, and performance standards protect land and property values for current and future Gray residents and businesses:

WHEREAS, the Town of Gray Planning Department is currently working on updates to the Town's ordinances and performance standards related to the development of single- and two-family housing in Grays Village Zoning Districts.

WHEREAS, the Town's current Zoning Ordinance does not contain sufficient standards to effectively provide municipal review and approval of proposals involving Single-Family and Two-Family development in the Village Districts:

WHEREAS, the Town currently has review standards for Multi-Family Development only in 402.10.14 which are applicable in the Village Zoning Districts;

WHEREAS, the Town needs time to develop basic review criteria for Single-Family and Two-Family construction in the Village Districts;

WHEREAS, the Town is Currently pursuing long range plans for the Village Districts:

WHEREAS, the Town's current Village Center Design guidelines are not applicable to residential development;

WHEREAS, the Town Council first discussed the Moratorium at their 4-6-21 Town Council Meeting:

NOW, THEREFORE, the Town does hereby ordain that this Ordinance be, and hereby is, enacted, and, in furtherance thereof, the Town does hereby declare a moratorium on development proposals involving Single-Family, including Accessory Apartments, and Two-Family development in the Village Districts. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended or modified by the Town Council, for the express purpose of drafting an amendment or amendments to Town ordinances to projects involving Single-Family, Accessory Apartment, and Two-Family Development in the Village Districts; and

BE IT FURTHER ORDAINED, that this Ordinance shall apply to any new development proposals involving Single-Family, Accessory Apartments, and Two-Family dwellings after the April 6, 2021 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any new development proposal involving Single-Family, Accessory Apartments, and Two-Family dwellings for which an application for a license, building permit, certificate of approved use, conditional use review and/or any other required land use approval has not been submitted and finally acted on by the Code Enforcement Officer, Planning Board, Board of Appeals or other Town official or administrative board or agency prior to April 6, 2021, the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall start or engage in the construction of Single-Family, Accessory Apartments, and Two-Family dwellings on or after the April 6, 2021 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments the Town may enact as a result of this moratorium; and

BE IT FURTHER ORDAINED, that during the time this moratorium is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, certificate of approved use, conditional use review and/or any other permits, licenses or approvals related to a single-family, accessory apartments and two-family dwellings in the Village Zoning Districts; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Zoning, Subdivision, or other ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 3. Violations; Civil Penalties.

If the construction of a Single-Family, Accessory Apartments, and Two-Family dwellings is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties in accordance with 30-A M.R.S.A. § 4452, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

Section 4. Effective Date; Applicability Date.

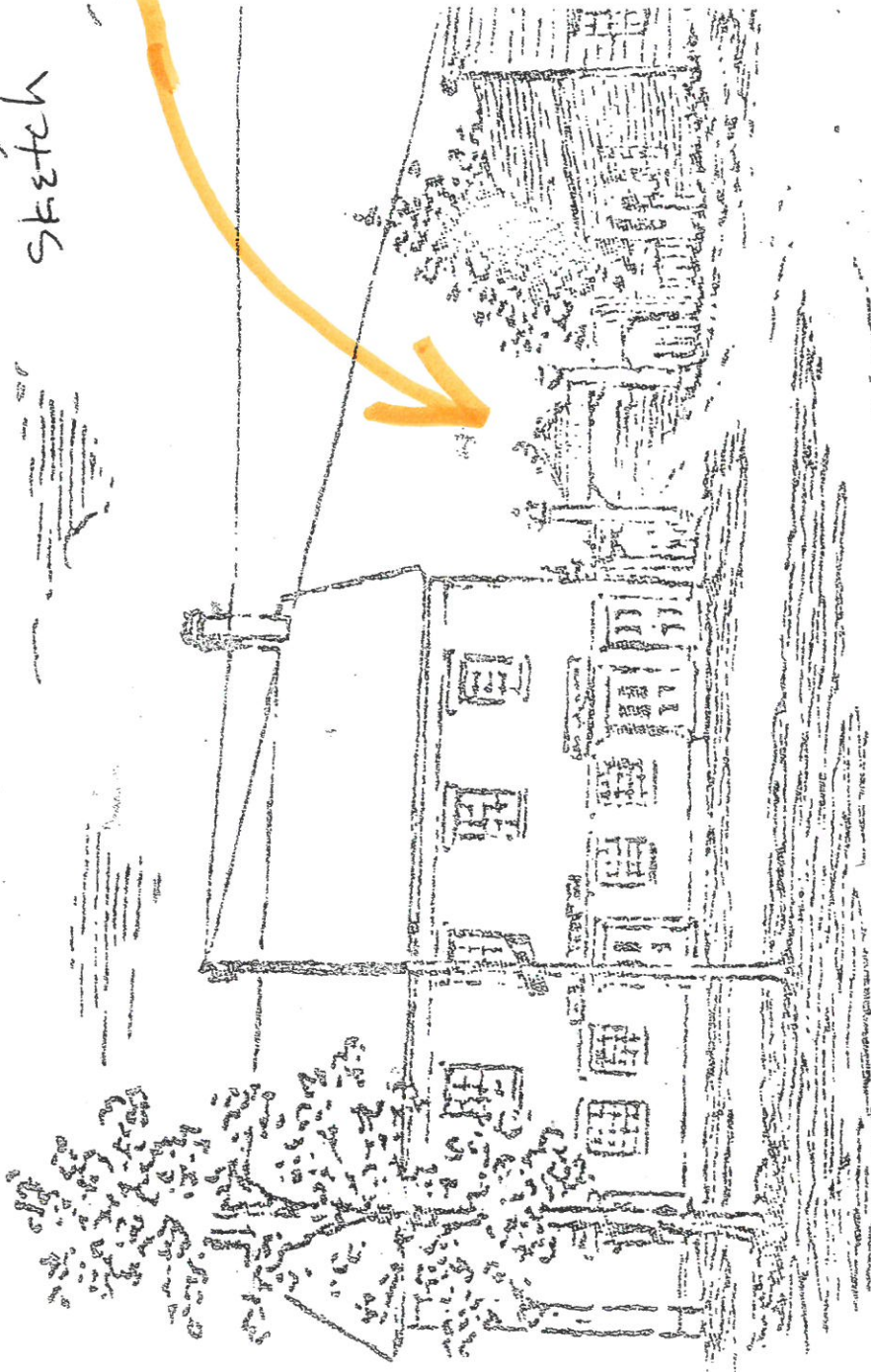
This Ordinance shall take effect immediately upon passage by Town Council Meeting. The applicability date of this Ordinance is April 6, 2021.

3-22-21

WOODEN Arch
built 1870

Sketch 1889

1772



TOWN OF GRAY
JUNE 8, 2021
ANNUAL TOWN MEETING WARRANT

Cumberland, SS.

State of Maine

To Nathaniel Rudy, Town Clerk of the Town of Gray

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Gray in said County and State, qualified by law to vote in Town affairs, to meet at Newbegin Center on Route 100/Lewiston Road in Gray, Maine on Tuesday, June 8, 2021 at 8:00 a.m., then and there to act upon Article 1. The polls for voting for public officials and on Articles 2 through 10 shall open at 8:00AM and close at 8:00PM.

Article 1. To choose, by ballot, a Moderator to preside at said Annual Town Meeting.

To choose by secret ballot the following public officials:

- 1. Voting two members of the Town Council to serve a three-year term until June 2024.**
- 2. Voting for two members of the MSAD #15 Board of Directors to serve three-year terms until June 2024.**
- 3. Voting for one member of the Gray Water District Trustee to serve a five-year term until June 2026.**

To decide by secret ballot the following Budget Articles.

Article 2. Shall the Town vote to accept \$4,345,061 of revenue and any Federal, State and other sources of revenue and to appropriate the same to help fund the total Municipal Budget for FYE 2022 (detailed below) as recommended by the Town Council?

Article 3. Shall the Town vote to raise and appropriate \$9,161,533 to fund the FYE 2022 Municipal Budget, as recommended by the Town Council?

(Admin, Codes, GA, Com. Dev., Com. & Info, Elections)	\$1,444,543
Municipal Finances (Bonds/CIP)	\$2,952,679
Library and Parks & Recreation	\$366,653
Public Safety/Street Lights	\$1,350,386
Public Works	\$2,680,276
Council (legal), Boards and Committees	\$46,840
Law Enforcement	\$288,081
Community Service Agencies	\$32,075
Total Budget FYE 2022	\$9,161,533

Article 4. Shall the Town vote to raise and appropriate \$10,000 for Town Council compensation for the FYE 2022, as recommended by the Town Council?

(Note: This appropriation must be voted on as a separate article, pursuant to, Art. II, Sec. 6 of the Town Charter.)

Article 5. Shall the Town vote to appropriate \$2,147,935 from the Capital Reserve Fund for FYE 2022, for the following Capital Projects, as recommended by the Town Council?

Road Resurfacing	\$467,625
Parks and Recreation	\$7,500
Public Works, Town Vehicles & Equipment	\$5,000
Sidewalks	\$175,910
Public Buildings	\$15,000
Technology	\$34,500
Debt Service	\$1,230,900
Land Acquisition	\$50,000
Miscellaneous	\$161,500
Total Capital Projects FYE 2022	\$2,147,935

Article 6. Shall the Town vote to accept and appropriate for their designated purposes all of the various Town “enterprise account” funds (*e.g.*, nonmajor special revenue funds, recreation enterprise funds) for FYE 2022, as recommended by the Town Council?

Article 7. Shall the Town vote to place funds received from the disposition of Town-owned personal property with a value of \$100,000 or less in the Capital Reserve Fund, and to appropriate the same for capital projects, as recommended by the Town Council?

Article 8. Shall the Town vote to accept all funds generated by donations and fund-raising activities on behalf of the Town’s Recreation Department, the Dry Mills Schoolhouse, the Gray Public Library Association, the Gray Fire Rescue Association, and various Town Committees, and to appropriate the same for their intended purposes, as recommended by the Town Council?

Article 9. Shall the Town vote to authorize the payment of tax abatements, including any interest due thereon, from the property tax overlay or, if necessary, from the unassigned fund balance, as recommended by the Town Council?

Article 10. Shall the Town vote to authorize the purchase of three parcels of land, identified as map and lot numbers 035-403-027, 035-403-028, and 035-403-029 on the Town of Gray tax maps, located on Main Street and the Lewiston Road, opposite Colley Hill Road, to enable the Town to implement short-term and long-term uses and improvements consistent with the Comprehensive Plan and other needs the Town Council deems to be in the Town’s best interest?

(Fiscal Note: If passed, **this article shall only be effective if the voters also pass Article 11** below to approve general obligation bonds to be issued by the Town).

Article 11. Shall the Town vote to authorize the issuance of up to \$500,000 in general obligation bonds or notes of the Town to pay and/or reimburse the cost of acquiring the three parcels of land detailed in Article 10 above, said bonds and notes hereby authorized and the proceeds thereof hereby appropriated for said purpose, with the details of such bonding (including provisions that the bonds may be prepaid or subject to call for redemption with or without premium) to be determined by the Town Council?

(Fiscal Note: Total estimated debt service of this bond issue is approximately \$531,183, of which principal is \$500,000 and estimated interest at 2.05% over five years is \$31,183. The bonds authorized by this Article shall only be issued upon the passage of Article 10.)

FINANCIAL STATEMENT—TOWN OF GRAY: The issuance of bonds by the Town of Gray (the “Town”) is one of the ways in which the Town borrows money for certain purposes. The following summary of the bonded indebtedness of the Town of Gray is as of the date of this Special Town Meeting:

• Bonds Now Outstanding and Unpaid	\$7,220,000
• Interest to be Repaid on Outstanding Bonds	\$1,395,287
• Total to be Repaid on Bonds Issued	\$8,615,287
• Additional Bonds Authorized But Not Yet Issued	\$0
• Total Additional Bonds (now proposed) to be Issued if Approved by Voters	\$500,000
• Estimated of Potential New Interest	\$31,183
• Total Additional Bonds to Be Issued And Estimated Interest if Approved by Voters	\$531,183

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity.

Nathaniel Rudy
Town Treasurer

Article 12 Shall the Town vote to raise and appropriate \$25,000 to fund Senior Property Tax Assistance program as described in Town of Gray Ordinance Section 305, which provides property tax refund payments to those individuals seventy (70) years of age and over who maintain a homestead in the Town of Gray and meet the income and eligibility criteria established by the ordinance?

(Fiscal Note: If passed, **this article shall only be effective if the voters also pass Article 13** below to increase the so-called LD 1 property tax levy limit for this purpose.)

Article 13. Shall the Town vote to increase the Town of Gray's property tax levy limit, otherwise imposed by Maine law for fiscal year ending 2022, by \$25,000 for a property tax levy limit totaling \$4,028, for the purpose of funding the Senior Property Tax Assistance program as detailed in Article 12 above, which will result in a tax commitment that is greater than the property tax levy limit otherwise imposed by Maine Law?

(Explanatory Note: If passed, this Article Shall only be effective upon passage of Article 12 to fund the Senior Property Tax Assistance program.)

Absentee Ballot Processing:

Friday, June 4, 2021**

1-Hour Inspection Time Period: NOON – 1:00 PM

Time Processing Begins: 1:00 PM

During Election Day (06/8/2021) Processing Time(s): 9:00 AM, 10:00 AM, 11:00 AM, NOON, 1:00 PM, 2:00 PM, 3:00 PM, 4:00 PM, 5:00 PM, 6:00PM, 7:00 PM and 8:00PM.

The Gray Town Democratic Committee, the Gray Town Republican Committee, the Green Independent Party will be notified, in writing, of the absentee ballot processing times.

The Registrar of Voters is available to accept new registrations and corrections to the voter list at the Municipal Offices at the Henry Pennell Municipal Complex, 24 Main Street in Gray. The Municipal Offices are open Mondays, Tuesdays and Wednesdays 8:30AM - 4:00PM, and Thursdays 8:30AM – 6:30PM and Fridays, 8:30AM – 12:00 noon. Proof of residency and identity is required.

Municipal Officers of Gray, Maine
Dated at Gray
This 1st, day of June 2021

A true copy.

Attest: _____
Kailey Hanley, Resident of Gray

Attest: _____
Deputy Town Clerk

The warrant and sample ballots shall be posted in the Town offices at least 7 days prior to the election.

**WARRANT AND NOTICE OF ELECTION CALLING
MAINE SCHOOL ADMINISTRATIVE DISTRICT NO. 15
BUDGET REFERENDUM
(20-A M.R.S. §§ 1486 & 1501; Executive Orders #8 & 8A FY 20/21)**

TO: Margaret Humphrey, a resident Maine School Administrative District No. 15
(the "District") composed of the Towns of Gray and New Gloucester, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within the District, namely, the Towns of Gray and New Gloucester, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective Municipal Officers. The Municipal Officers shall meet forthwith and countersign this warrant and notice of election. The Municipal Officers shall provide below for the respective municipal clerks to post or have posted this warrant and notice of election.

**TOWN OF GRAY
DISTRICT BUDGET REFERENDUM
WARRANT AND NOTICE OF ELECTION**

Cumberland County, ss.

State of Maine

TO: Nathaniel Rudy, Municipal Clerk of Gray: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

TO THE VOTERS OF GRAY: You are hereby notified that a District Budget Referendum election will be held at the Newbegin Gym at 24 Main Street in the Town of Gray on Tuesday, June 8, 2021 for the purpose of determining the following articles:

Article 1A: To elect a moderator to preside at the meeting

Article 1: School Budget. Shall Maine School Administrative District No. 15 appropriate the sum of **\$28,485,603** and raise the sum of **\$16,551,457** for the 2021-2022 school budget?
School Board Recommends a "Yes" Vote.

VOTER INFORMATION FOR ARTICLE 1

The Maine School Administrative District No. 15 school budget submitted in this Article 1 totals **\$28,485,603**. It includes locally raised funds in the amount of **\$16,551,457**, to be assessed in shares to member municipalities in accordance with the District's cost sharing formula and state law. The locally raised amount exceeds the State's Essential Programs and Services funding model by **\$3,400,574** This budget includes these cost centers and amounts:

Budget Referendum Warrant and Return
Town of Gray
Page 1 of 4

Cost Center	Amount Appropriated
Regular Instruction	\$ 11,588,098
Special Education	\$ 5,769,518
Career and Technical Education	\$ 0
Other Instruction	\$ 885,719
Student and Staff Support	\$ 2,459,158
System Administration	\$ 836,006
School Administration	\$ 1,517,979
Transportation and Buses	\$ 1,807,339
Facilities Maintenance	\$ 2,958,565
Debt Service and Other Commitments	\$ 633,221
All Other Expenditures	\$ 30,000
Summary of Total Authorized School Budget Expenditures:	\$ 28,485,603

Article 2: District Adult Ed Program. Shall the District be authorized to appropriate **\$195,076** for adult education and raise **\$73,000** as the local share, with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program?
School Board Recommends a "Yes" Vote.

Article 3: Do you wish to continue the budget validation referendum process in Maine School Administrative District No. 15 for an additional three years?

INFORMATIONAL NOTE ON ARTICLE 3:

A "YES" vote will require Maine School Administrative District No. 15 to continue to conduct a referendum to validate its annual school budget for the next three years.

A "NO" vote will discontinue the budget validation referendum for at least three years and provide instead that the annual school budget shall be finally adopted at a meeting of the voters of Maine School Administrative District No. 15.

The voting on Articles 1 and 2 shall be by secret ballot referendum. The polls will be opened immediately after election of the moderator following commencement of the meeting at 8:00 a.m. and closed at 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

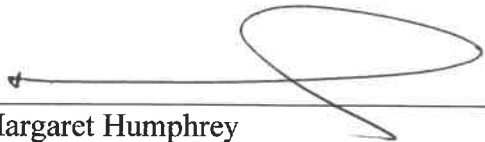
Dated as of this May 5, 2021.

Will & Susan
~~AA~~
Madeline Kenney
Michelle Anody
amy stone
Arc Pond

Laura Augis
Jan R. ...
Sydney ...
Nichole ...

A majority of the School Board of Maine School Administrative District No. 15

A true copy of the Warrant and Notice of Election, attest:


Margaret Humphrey
Resident of
Maine School Administrative District No. 15

Countersigned this _____ day of _____, 2021 at Gray, Maine.

A majority of the Municipal Officers of Gray, Maine

A true copy of the Warrant and Notice of Election, attest:

Nathaniel Rudy, Municipal Clerk
Gray, Maine

Jonathan Hartt

From: Nathaniel Rudy
Sent: Thursday, May 13, 2021 4:50 PM
To: Jonathan Hartt
Subject: FW: Donation: Landscape metal

Donation proposal for 5/18 Council Agenda

Nate Rudy
Town of Gray
Office: (207) 657-3339

From: Rachel Lyn Rumson <rachellyn.rumson@gmail.com>
Sent: Thursday, May 6, 2021 1:48 PM
To: Kathy Tombarelli <ktombarelli@graymaine.org>; Nathaniel Rudy <nrudy@graymaine.org>
Subject: Donation: Landscape metal

Hi there. We have another donation request for the park project. I would like to get in on the Council agenda to ask it to be approved. Thank you.

----- Forwarded message -----

From: Nicholas Cote <nicholas@bradburymetalworks.com>
Date: Thu, May 6, 2021, 1:43 PM
Subject: Re: Landscape metal
To: Rachel Lyn Rumson <rachellyn.rumson@gmail.com>

Rachel, I would like to donate 3 of the 4 planter rings for the dollar amount of \$1800.00.

**TOWN OF GRAY
REQUEST FOR BIDS**

The Town of Gray is requesting bids for the following piece of equipment:

One (1) 2021 40,000lbs equipment trailer.

Sealed bids shall be received at the Gray Municipal Office until 9:30am Thursday April 22, 2021 at which time submitted bids shall be publicly opened and read aloud.

Specifications may be obtained at the Gray Town Office, 24 Main Street and at the Public Works Director Office, 123 Shaker Road, Gray, Maine, 04039.

Any Specification[s] which do not meet the standard specification contained herein shall be itemized on the bid in which each Bidder shall be required to submit in conformance with this bid.

The Town of Gray reserves the right to reject any and all bids not considered in the best interest to the town. The Town of Gray may waive any informalities or irregularities and may accept or waive minor variations in a vendor's specifications if the overall unit is deemed to best meet the effective needs of the Town of Gray.

TERMS AND CONDITIONS OF SUBMITTAL OF BID

This request for bids is acceptable under the following conditions and terms that the acceptance of these is contingent solely on the approval of the Town Manager and Town Council.

It is the intent and purpose of these specifications to classify and describe the standard production model: One [1] 40,000 lbs. Tag equipment trailer with fixed and tilting deck. These specifications are considered necessary to perform the work assigned to municipal performance requirements. The manufacturer shall have produced this type of unit for a minimum period of at least three [3] years.

All equipment furnished under specifications shall be new, unused and the same as the manufacturer's current production model. Accessories not specifically identified herein but necessary to furnish a complete unit ready for use, shall be included. Unit shall conform to the best practice known to the industry in design, quality of material workmanship. Assemblies, sub assemblies and component parts shall be standard interchangeable throughout the entire quantity of the unit as specified in the enclosed specifications.

ANY SUBSTITUTIONS AND/OR MODIFICATIONS SHALL CLEARLY BE IDENTIFIED ON THE ATTACHED BID SUBMISSION FORMS

40,000 lb. capacity tag-along trailer with tilting platform and stationary deck.

The following specifications are minimum unless otherwise noted. Any proposed deviations or specs that cannot be met must be listed on the response sheet.

Load capacity:	40,000 lbs., excluding weight of trailer. at 65 M.P.H.
Deck length:	24'-0" tilting platform, 4' stationary deck.
Deck width:	8'-6"
Deck height:	Should not exceed 38" unladen.
Tilt deck:	Hydraulic dampened, 'gravity' down.
Frame:	Pierced main beam construction with one piece interlocking crossmembers. Main beams chassis: (2) W14" x 26 lbs. per ft., grade 50 Hi-tensile. Main beams tilt platform: (2) W8" x 15 lbs. per ft., grade 50 Hi-tensile. Crossmembers tilt platform: S6" I-beam x 12.5 lbs. per ft., grade 50 Hi-tensile on 22" centers. Siderails: C8" x 13.75 lbs. per ft. Grade 50 Hi-tensile.
Headboard:	8" x 3" rectangular tube, full width of trailer.
Decking:	2" oak decking.
Underride guard:	Meets "National Highway Traffic Safety Administration" mandates FMVSS-223 & FMVSS-224.
Paint:	Black, rust inhibiting
Suspension:	Hutch 9700 multi-point spring with capacity for 40,000lbs payload plus weight of trailer.

Axles: (2) 22,500 lb. capacity with oil bath hubs.
Brakes: 12-1/4" x 7-1/2" air with anti-lock braking system and spring parking brakes.
Wheels: 8 Hole Hub Piloted
Tires: 235/75R17.5, (H)
Spare: (1) one matching spare tire mounted on matching rim.
Safety latch: Must have secure latching mechanism.
Jack: 25,000lb., 2 speed landing leg
Hitch: Adjustable height pintle, 3" I.D.
Tie downs: (10 total) Ten heavy duty D-rings, 4 per side of tilt section, 1 per side of fixed deck section.

Lights: 12-volt DOT & ICC approved. All lights flush mounted LED in rubber grommets. Wiring should be protected in chases or jacketed. 7-way plug.
Toolbox: Chain basket or box with lid mounted in trailer tongue.

Please provide itemized proposals for the following options listed separately:

Options: A: Dual leg 2 speed landing gear.
B: Stake pockets and rub rail.
C: Increase stationary deck to 6 feet long by full width of deck.

**TOWN OF GRAY
BID SUBMISSION FORM**

(1) 2021 40,000 lbs. Equipment Trailer

Date of Submission: _____

Total Price of Equipment: _____

Price of Options: A: _____ B: _____ C: _____

Any specifications that do not meet the required minimum specifications must be listed below:

Delivery Date: _____

Please note: [with operating and repair manuals] shall be consigned to the Town of Gray.

Vendor: _____

Name: _____

Title of Submission: _____

[The Town of Gray reserves the right to accept and/or reject any and all bids]

Name	Trailer Price to meet spec	Option A - Dual Landing Gear	Option B - Stake Pockets/Rubrail	Option C - Additional Deck Length
Beauregard Equip.	No/Bid			
Hale Trailer & Brake	No/Bid			
Jordan Equipment	\$ 34,493	\$ 395	\$ 1,500	\$ 880
Jordan price with options		\$ 34,888	\$ 36,388	\$ 37,268
Nortrax	\$ 28,798	\$ 582	\$ 694	\$ 822
Nortrax price with options		\$ 29,380	\$ 30,074	\$ 30,896

PW recommends Nortrax trailer with options A&B. Total: \$ 30,074

To: Nate Rudy, Town Manager
Sandy Carder, Chairperson
Anne Gass, Vice Chairperson
Bruce Foshay, Councilor
Sharon Young, Councilor
Dan Maguire, Councilor

From: Mo Russo, Director of Buildings and Grounds

Re: Award of Bid- (2) Kohler Generators, (1) ATS, and Startup

Hello,

A Request for Proposal was sent out via certified mail to five companies in the area that are Kohler Dealers: Generators of Maine, Mid Maine Generator, Gowen Power Systems, Power Products, and Pow 'r Point Generator. The request was for (2) 60kw 3-Phase LP fired generators, (1) 200 Amp ATS (Automatic Transfer Switch) and Startup.

The Town received three proposals, and the bids were opened and read on Thursday May 6th at 9:30. A detail of the results is included below. The low bidder in the amount of \$47, 080 is Gowen Power Systems. It is my recommendation that the Council award the bid to Gowen Power Systems.

(2) Kohler Generators and (1) ATS Bid Results and Startup

Company	Generator 1	Generator 2	ATS	Startup	Total
Generators of Maine	\$23,057	\$23,057	\$4,953	\$700	\$51,767
Mid Maine Generator					\$49,760
Gowen Power Systems	\$21,110	\$21,110	\$4,400	\$460	\$47,080
Power Products		No Bid			
Pow'r Point Generator		No Bid			

Thank You,

Mo



Town of Gray
Attn: Mo Russo, Director of Buildings and Grounds
24 Main St.
Gray, Me. 04039

Gowen Power Systems is please to submit the enclosed proposal to supply the requested equipment and perform Start-Up on equipment.

With this proposal, we would supply said equipment to two addresses.

Delivery Dates to be determined after receipt of order, submittal approval and formal release for production.

Lead Times are estimates only. Gowen Power is not responsible for late deliveries due to delays from Manufacturer.

Equipment will be delivered to job site and off loaded and installed by others.

Gowen will perform Kohler Start Up upon completion of installation by others.

A 10-to-14-day advanced notice is requested for scheduling of Start Up.

Start Up services are performed during normal business hours, 8:am to 4:30pm. Monday through Friday. Additional charges will be assessed outside these hours.

Terms to be established upon acceptance of Bid.

Prices, terms, and conditions of this proposal are in effect for 60 days from Submission.

Mark Andersen

Town of Gray
Bid Submission Form

(2) Kohler 60 KW 3-Phase 208 Volt LP Generators
(1) Kohler 200 Amp Service Rated ATS

Date of Submission: 04/27/2021

Total Price of Equipment and Startup \$47,080.00

Price of Generator 1 \$21,110.00 Price of Generator 2 \$21,110.00

Price of ATS \$4,400.00 Price of Startup Service \$460.00

Any specifications that do not meet the minimum specifications must be detailed below:

Both Generators to include Locking Remote E-Stop Buttons per Current code. NEC 445.18. Shipped loose.

Delivery Date: To Be Determined

Please note: [with operating and repair manuals] shall be consigned to the Town of Gray.

Vendor: Gowen Power Systems

Name: Mark Andersen

Title of Submission: Town of Gray Generators

[The Town of Gray reserves the right to accept and/or reject any and all bids]

To: Nate Rudy, Town Manager
Sandy Carder, Chairperson
Anne Gass, Vice Chairperson
Bruce Foshay, Councilor
Sharon Young, Councilor
Dan Maguire, Councilor

From: Mo Russo, Director of Buildings and Grounds

Re: Award of Bid- GPL Boiler Replacement

Hello,

A Request for Proposal was sent out via certified mail to five HVAC contractors that perform commercial work: Titan Mechanical, Richard P. Waltz, Pine State Services, W.H. Demmons Inc., and Thayer Corporation. The request was for a Lochinvar Knight XL 399,000 BTU LP fired boiler.

The Town received one proposal, from Thayer Corporation, the bid was opened and read on Thursday May 6th at noon. Thayer Corporation's Bid was for \$22,347.00. It is my recommendation that the Council award the bid to Thayer Corporation.

Thank You,

Mo

Gray, Town of
24 Main St
Gray, ME 04039

Project Proposal

Gray Public Library Boiler RFP

Proposal Number: **P00937**

Proposal Date: **4/27/2021**



Mike Irish
1400 Hotel Rd
Auburn, ME 04210
207-740-8845
mirish@thayercorp.com

PROJECT PROPOSAL

Company

Thayer Corp
1400 Hotel Rd
Auburn, ME 04210
Ph: 207-740-8845

Proposal Date: 4/27/2021
Proposal Number: P00937

Bill To Identity

Gray, Town of
24 Main St
Gray, ME 04039

Agreement Location

Town of Gray Public Library
5 Hancock St.
Gray, ME 04039

WE ARE PLEASED TO SUBMIT OUR PROPOSAL TO PERFORM THE FOLLOWING:

Thayer Corporation is grateful for the opportunity to submit to you a proposal for the replacement of the current hot water boiler servicing the Gary Public Library.

This proposal is to replace the current HTP boiler with a Lochinvar Knight XL400. The boiler will be installed in the similar manner as the current system with the use of PVC for the fresh air intake and the CPVC for the exhaust. We will utilize the existing primary and secondary loop to the boiler, which will lead to minimal piping and down time for this project. We will run new gas pipe from 90° elbow drop going to the existing boiler. Due to the gas inlet, location of the new boiler there will be some additional gas piping. We will update the electrical for this project so the safety switch is located on the outside of the boiler room door. The proposal does not cover any system sizing or underlying performance related problems that the hydronic system may have. Any system diagnostic or service work out side of the base RFP scope would be additional and require a change order.

GENERAL SCOPE

Inclusions: General

- Thayer will be responsible for all equipment, materials, labor, travel, and rigging work for the performance of our scope of
- Drain heating system to closest isolation points.
- Remove old HTP boiler and dispose of it.
- Installing of the new boiler and all piping to the existing primary loop.
- We will tie in existing venting to new boiler.
- Run new gas piping from existing supply pipe to boiler.
- Make all gas and electrical connections per manufactures
- Will start test each system to ensure proper operation

Exclusions: General

- Any pre-existing code violation not discovered during walk through/sight visit or covered in the inclusions.
- Any diagnostic service or repair that is outside the base RFP scope
- Any work requested that is outside the RFP or optional pricing
- Performance or payment bonds.
- Moving of town owned equipment and tools to perform work (unless specified in the inclusions)Patching or
- Masonry wall penetrations, finish and/or carpentry work, and
- Roofing work, including framing, penetrations or sealing, unless specified in scope



Equipment and systems listed in this proposal are included. Any items not identified in the scope of this proposal are excluded

Any changes to the above scope, inclusions and or exclusions may require a change order with a potential increase or decrease to the original agreement price. The project can be placed on hold by either party pending written authorization to complete such change order.

WARRANTY:

Any new equipment purchased and installed by Thayer Corporation per this proposal will be warranted against defects in material or workmanship for a period of one year. We have put the pricing for this proposal together as an estimated cost using the inclusions and exclusions previously listed.

Project Pricing:

The total cost for the described project is: \$22,347.00
 (Twenty Two Thousand Three Hundred Forty Seven Dollars and Zero Cents)
 2% Surcharge on all payment received by credit card.

Town of Gray-Library Boiler Price Breack Down	
Equipment and Materials	\$13,468.29
Equipment Labor	\$3,677.42
HVAC Piping Materials	\$649.23
HVAC Piping Labor	\$1,081.59
Electrical Materials	\$486.92
Electrical Labor	\$1,297.91
General Conditions	\$1,685.64
Total	\$22,347.00

In order to simplify expectations, the project will require a 25% deposit for the acquisition of the materials and equipment. We will progress bill the project based on a % of jobs' completion and or a schedule of values in accordance with standard AIA billing. We will bill on the 25th of each month and can provide you with a current schedule of values if requested. We are open to discussion regarding project-billing specifics.

The pricing in this proposal will be maintained until June 6th 29th. 2021, after which will be subject to review.

Respectfully,

Michael Irish

Upon execution as provided below, this agreement, including the following pages attached hereto (collectively, the "Agreement"), shall become a binding and enforceable agreement against both parties hereto. Customer, by execution of this Agreement, acknowledges that it has reviewed and understands the attached terms and conditions and has the authority to enter into this Agreement.

Contractor

 Signature (Authorized Representative)
 Michael Irish
 Name (Print/ Type)
 207-740-8845
 Phone
 4/27/2021 P00937
 Date Proposal #

Customer

 Signature (Authorized Representative)

 Name (Print/ Type)

 Title

 Date PO#

Project Agreement Terms and Conditions

1. Customer shall permit Thayer Corporation free and timely access to facilities and equipment necessary to perform their tasks, and allow Thayer to start and stop the equipment as necessary to perform required services. All planned work under this Agreement will be performed during the Thayer's normal working hours, unless otherwise agreed.
2. Thayer warrants that the workmanship hereunder shall be free from defects for 365 days from the date of installation. This warranty does not apply to equipment or parts acquired from others. Thayer will extend to Customer the benefits of any warranty Thayer has received from the manufacturer of any equipment or parts. However, to the extent not covered by a manufacturer's warrantee, the cost of removal and installation of any equipment or parts repaired or replaced under a manufacturer's warranty shall be paid by Customer. THAYER EXPRESSIVELY EXCLUDES AND DISCLAIMS ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER WARRANTIES, EXPRESSED OR IMPLIED.
3. Customer shall pay in accordance with the terms as agreed and printed on Thayer invoices. Twenty-five percent (25%) of the project cost is due upon signing agreement. Upon amounts remaining unpaid after thirty (30) days from invoice date, Thayer may stop work under this Agreement without notice, cancel this Agreement, and commence actions to preserve a lien on the Customer's property. Thayer will charge interest on unpaid balances over thirty days old. Thayer will be entitled to costs and attorneys' fees to collect amounts due.
4. Customer shall be responsible for all taxes applicable to the services or materials provided by Thayer.
5. In the event of any alteration to, or deviation from, this Agreement involving extra work, the cost of materials and labor will become an extra charge on a time-and-materials basis at Thayer's rates then in effect, to be added to the price stated in this Agreement, unless otherwise agreed in writing.
6. This Agreement shall be governed by and construed under the substantive and procedural laws of the State of Maine, without giving effect to choice of law principles. Customer specifically agrees that any litigation regarding the interpretation, breach or enforcement of this Agreement will be exclusively filed in and heard by the District or Superior Court of Androscoggin County, Maine.
7. Thayer shall not be liable for any delay, loss, or damage caused by the unavailability of machinery, equipment or materials due to delay of carriers, strikes, lockouts, civil or military authority, government regulations, insurrection, riot, action of the elements, forces of nature, or by any cause beyond its control.
8. Each party shall indemnify and hold the other party, including its agents and employees, harmless from and against all claims, damages, losses and expenses (including but not limited to reasonable attorneys' fees), including damage to the property of the other party or of their agents or employees, to the extent caused by the acts or omissions of the other party arising from or resulting from the performance of work hereunder.
9. Customer shall make available to Thayer's personnel all pertinent Safety Data Sheets (SDS) of chemicals, metals, gases and other substances to which Thayer personnel may be exposed during the performance of their tasks, pursuant to OSHA's Hazard Communication Standard.

PROJECT AGREEMENT TERMS AND CONDITIONS (Continued)

10. Thayer's obligation under this proposal and any subsequent contract does not include the identification, abatement or removal of toxic or hazardous materials. In the event such materials are discovered, Thayer's sole obligation will be to notify the Owner of their existence. Thayer shall have the right thereafter to suspend its work until such materials and the resultant hazards are removed. The time for completion of the work shall be extended to the extent caused by the suspension and the contract price shall be equitably adjusted

11. Thayer expressly disclaims responsibility for the indoor air quality of the customer's facility, including without limitation any illness, injury, or damage resulting in any manner from any fungi or spores.

12. In no event shall either party be liable to the other party for any indirect, special, incidental, consequential or punitive damages, whether any claim for such recovery is based on theories of contract, negligence, or tort (including strict liability), even if either party has knowledge of the possibility of the potential damage or loss. This limitation shall not apply to warranty obligations.

TO: Gray Town Council; Nathaniel Rudy, Town Manager

FROM: Anne Gass

RE: Municipal ATV grant

DATE: May 13, 2021

This is a quick overview of the attached materials we're preparing for submission to Maine's Municipal ATV grant program. Please note that the application isn't due until May 30. We are looking for council approval.

As I've mentioned several times at meetings, the Municipal ATV grant program requires that the town be the applicant, and it further requires that, in addition to whatever project the town has in mind, the club fold in whatever maintenance it planned to complete during the season. The town has to front the money and be reimbursed; all reimbursements must be submitted before November 30.

Despite considerable effort from Jon Powers, President of GNG ATV Club, due to the building boom we were able to secure a bid from only one contractor, which is the estimate you find here. I have contacted Brian Bronson at the State ATV Program and he encouraged us to apply as he said that he has heard the same issue from other potential applicants. The estimate also exceed the recommended minimum hourly rates for equipment, labor, etc., but Brian agreed theirs are outdated and absurdly low and again encouraged us to apply.

As we all know, a submitted application is not the same as a funded application; we'll be competing with other towns around the state. I think it's worth a try.

This proposal has two priorities, with the top one being renovation of the trails whose deteriorated state led to the shifting of ATV traffic onto Long Hill Road. The second is the additional maintenance work the club would like to do. Submitting as two separate priorities within one proposal maximizes our chance of success for the council's top priority should the State elect not to fund our entire proposal.

The GNG ATV Club has generously offered to provide the required 10% match.

Submitted here is the draft application, which includes a copy of the contract the town would have to sign with the State if awarded.

**Town of Gray
Municipal ATV Grant in Aid: Project Description**

Below is the total estimated project cost breakdown for improvements to ATV trails located between 21 Portland Rd (Route 26 at Rear) and Long Hill Rd. (at the CMP powerlines).

The Project Director for the Town of Gray will be responsible for overseeing the maintenance, clearing, and safety of all trails by frequent on-site inspections of the trail system.

AND THIS FURTHER CERTIFIES that landowner permission has been secured for all ATV trails in the Town of Gray.

Estimated Cost for Equipment And Labor

Note that these figures are higher than those included in the Bureau of Parks and Lands, ATV Program; Municipal Trail Grants 2021 application.

Equipment	Cost
Excavator w/mulching head	\$200/hour
Excavator with digging bucket, grading bucket and 6-way grading blade	\$165/hour
Front End Loader (2-3 yard)	\$60/hour
Crawler Carrier Off-Road Dump truck (2-3 yard)	\$60/hour
Compactor (walk behind 200 Lb.)	\$250/week
Generator (Portable)	\$250.00/week
ATV with dump and trailer	\$600.00 per week
Truck with Low-bed or Dump Trailer	\$45.00/hour
Laborer Excavation and Pipe	\$30.00/hour
Laborer Foreman	\$34.00/hour
Laborer Safety	\$30.00/hour
Truck Driver (non CDL)	\$30.00/hour
Truck Driver (CDL)	\$34.00/hour

PRIORITY 1: "LONG HILL ROAD"

Reconstruction and maintenance of existing trail and Bridges/Brushing/Erecting Signs/ etc. The GNG ATV Club has required CMP permits.

Brush Removal:

Excavator with brush mulching head 6 Days at \$200.00 per hr. =	\$9,600.00
Safety Laborer 6 Days at \$30.00 per hr. =	\$1,440.00
Safety Signs 6 Days at \$30.00 per day =	\$180.00
Truck / Trailer Move 2 hours.	<u>\$90.00</u>

Sub Total **\$11,310.00**

Culvert Installations, Trail Grading Repairs, New Gravel Installations, Drainage Improvements, Debris Removal:

Excavator with Buckets/Blade 14 Days at \$165.00 per hr.	\$18,480.00
Laborer to include pipe installation 14 Days at \$30.00 per hr.	\$3,360.00
Laborer/Foreman 14 Days at \$34.00 per hr.	\$3,808.00
Truck / Trailer Moves 8 hours at \$45.00 per hr.	\$360.00
Truck with Dump Trailer 8 Days at \$40.00 per hr.	\$2,560.00
Crawler (off road dump truck) 11 days at \$60.00 per hr.	\$5,280.00
Front End Loader 11 Days at \$60.00 per hr.	\$5,280.00
Compactor (200 Lb. Walk behind) 2 Weeks at \$250.00 per week	\$500.00
Generator / Portable 2 weeks at \$250.00 per week	\$500.00
ATV with Dump 3 weeks at \$600.00 per week	\$1,800.00
Culverts 15" X 20' (10 at \$360.00 each)	\$3,600.00
Culvert 36" X 20' (One at \$1,500.00)	\$1,500.00
Gravel (Crushed Mix) 500 yards at \$22.50 per yd. delivered	\$11,250.00

NOTE 500 yards of gravel will cover approx. 4,000' at average of 6" coverage

Sub Total **\$58,278.00**

Erosion Control:

Geo Textile Fabric to be installed at steep grades and drainage out-flow areas

Geo Textile Fabric 8 Rolls (10'X100") at \$240. \$1,920.00

Laborer to install fabric 2 Days at \$30.00 per hr. \$480.00

Temporary Culvert at Bridge Replacement (pipe and gravel) \$200.00

Excavator, Temporary Culvert 2 hours at \$165.00 per hr. \$330.00

Laborer install temp. Culvert 2 Hours at \$30.00 per hr. \$60.00

Sub Total **\$2,990.00**

Replace Existing Bridge (4'X5') with new Bridge 9'X12':

Repurposed Utility Poles (7 at 12+’) Delivered	\$700.00
Anchor bolts (16” X ¾”) 16 at \$6.00 each	\$96.00
Pressure Treated 2X8 Decking 24 at \$23.00	\$552.00
Pressure Treated 2X4 Edge Guard 8 at \$15.00	\$120.00
All Weather Screws 3 Boxes at \$39.00	\$117.00
Timber Tech Screws 5 Boxes at \$22.00	\$110.00
Excavator Install Base Supports 4 hours at \$165.00 per hr.	\$660.00
Laborer Base and Deck 12 hours at \$30.00 per hr.	\$360.00
Laborer/Carpenter Base and Deck 12 hours at \$40.00 per hr.	\$480.00
Truck with Dump Trailer 6 hours at \$40.00 per hr.	\$240.00
Generator 1 Day at \$70.00	\$70.00
Gravel (crushed, backfill and grade) 18 yards at \$22.50	<u>\$405.00</u>
Bridge Sub Total	\$3,910.00

New Kiosks:

Build and Install 2 Kiosks at Requested Locations.

Dimensions: 4’ X 8’ Pressure treated 4”X6” frame, Pine Display Boards, Cedar Roofing

Lumber/Materials Costs: \$480.00 Each (X2)	\$960.00
Concrete Base Footings 2 at \$200.	\$400.00
Laborer/Carpenter 16 hours at \$40.00 per hr.	<u>\$640.00</u>
Kiosks Option Sub Total	\$2,000.00

TOTAL PRIORITY 1 LONG HILL RD. PROPOSAL COSTS \$78,488.00

PRIORITY TWO: RECONSTRUCTION OF ROUTE 100 EXTENSION

Note to Council: Estimate is for one additional mile at approximately \$17,000 that will include grading, sloping, trail hardening, and one more culvert. Note we do not yet have a detailed cost breakdown for this section as above, but it will be obtained following council approval. So this priority would be approved as “not to exceed \$17,000.00”

Priority 1 includes improvements on approximately four and one-half (4.5) miles of existing trail. Priority 2 includes improvements on approximately one (1) mile of existing trail.

Trail locations and proposed kiosks are noted on the attached map.

Dated

Dated

Project Director

Nathaniel Rudy, Town Manager

Gray ATV Trail Improvements

The estimated project cost breakdown for needed maintenance, improvements and enhancements of the ATV trails for Priority 1, the section of trail between 21 Portland Rd (Route 26 at Rear) and Long Hill Rd. (at the CMP powerlines) is \$78,488.00. The estimate for Priority 2 is \$17,000, for a one-mile section of trail extending from Long Hill to Route 100. The estimate was provided by Truview Mulching, Inc.

This project will make the trails safer and more environmentally friendly to navigate for ATVs and other users. These trails are in poor condition in many areas. The deficiencies include:

- Overgrowth of brush and vegetation;
- Failed or undersized drainage culverts;
- Wash-out of surface materials (gravel and base); and
- Surface materials which have been dispersed over time due to use.

In addition, there is wash-out of surface materials on steep grade areas that had no previous mitigation (once repaired this will require ongoing maintenance). The proposal includes installation of a sub-surface geotextile fabric at the steep trail sections, as well as drainage outflow points to reduce erosion and protect the environment.

All pricing is estimated based on having the following four access points for equipment, materials and staggings: Trailhead at 21 Portland Rd. Long Hill Rd. At CMP lines, Summit Rd. At CMP lines and Haskell Rd. At CMP lines (gate).

The proposal and pricing do not include any permits, i.e., Town of Gray, Central Maine Power, Northeast Utilities, DEP, etc. It is understood that the Town and the ATV Club have the right to maintain the trails in the proposed areas of work to be completed, and that these rights would include work being performed by Truview Mulching, Inc.

Completion of this project will allow ATVs to utilize these trails and end the need to utilize Long Hill Road as a way to get around deteriorated trail segments. This is a goal of the Gray Town Council, the ATV Club, and many residents of Long Hill Road.



DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY BUREAU OF PARKS & LANDS
 OFF-ROAD RECREATIONAL VEHICLE OFFICE
 ATV PROGRAM
 22 STATE HOUSE STATION
 AUGUSTA, MAINE 04333-0022
 PH 207-287-4958 FAX 207-287-8111

**MUNICIPAL ATV GRANT APPLICATION
 MUNICIPAL / COUNTY GRANT-IN-AID PROGRAM 2021**

Municipality/County: Town of Gray, Cumberland County

Address: 24 Main Street

City: Gray Zip: 04039

County: Cumberland County

The **Project Director** is appointed by the municipality/county. All inquiries about the state-aid grant application are directed to this person.

Name: Jon Powers Title: Gray ATV Club

Address: PO Box 1842

City: Gray Zip: 04039

Home #: _____ Work #: (207) 657-3381 Mobile #: 207/572-8334

Email Address: sealcoat207@gmail.com

Total Mileage of all trail: 5.5 miles (one way)

	Requested	State Use Only
Estimated administrative cost grant administration and for processing land use permits, etc.	\$ 3,000.00	\$
Estimated cost of developing trails including cutting trails, construction and bridge installation etc.	\$ 0.00	\$
Estimated cost of maintenance including normal brushing grading, ditching etc.	\$ 98,488.00	\$
Total Estimated Cost of Project	\$ 98,488.00	\$

<i>State Use Only</i>	
Approved Total Grant	\$ _____
% of approved cost	_____ %

Please submit an original copy of each item listed below with your application:

1. Map of proposed trail (topographical paper map or electronic map).
2. Detailed description of proposed trail development and/or maintenance (Project Description).
This should include proof of landowner permission.
3. Project Certification
4. Agreement

MUNICIPAL/COUNTY APPROVAL

Municipality/County: Town of Gray County: Cumberland County

Municipality/County: _____ Date: _____
Signature

Title: _____ Project Director: _____
Chairman of Board of Selectman
Municipal/County Manager Signature

Certification by Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands:

We, the undersigned, hereby certify that this project meets the Guidelines as established by the Bureau of Parks & Lands, and otherwise meets the provisions of the Maine Statutes.

Date: _____

Signature: _____
Supervisor, ATV Program

<i>State Use Only</i>	
VC #: _____	Enc. Amt.: _____
Appropriation #: <u>014-01A-8330-83-</u>	
Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, Off-road Recreational Vehicle Office	
By: _____	Date: _____
Director	

0 mph



DUNN, JEAN'S

115

MERRILL WOODS, LLC



Hyb

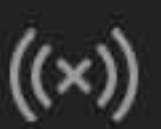


2000 ft

43.86771, -70.30074
Elevation 276 ft



Map Layers



Offline Maps



My Content



Tools



Tracking

AGREEMENT

Municipal Grant-In-Aid Program

THIS AGREEMENT, MADE THIS _____ day of _____ 20____, between the State of Maine acting by and through the Director, Bureau of Parks & Lands, hereinafter referred to as the State and hereinafter referred to as the Municipality/County.

Municipality/County:

WHEREAS, the Municipality/County desires to establish, construct and maintain a public ATV trail system and,

WHEREAS, by M.R.S.A. Title 12, Section 1893 (1)(B), the Bureau of Parks & Lands is authorized to make grants-in-aid to Municipalities/Counties from the monies in the ATV Recreational Management Fund.

NOW THEREFORE, IT IS AGREED between the parties hereto: The State agrees to reimburse the Municipality/County of the cost of trail acquisition, development, and maintenance pursuant to and in accordance with this Agreement. In no event shall the total liability of the State under this Agreement exceed in the aggregate sum of _____ without the prior written consent of the State. This Agreement is subject to the following terms and conditions.

- A. The Municipality shall not be entitled to any reimbursement hereunder with respect to any proposed trail unless the entire trail plan shall have been approved in advance as hereinafter provided by the Supervisor of the ATV Program, Department of Agriculture, Conservation and Forestry, Bureau of Parks & Lands.
 - 1. The Municipality/County shall submit to the Supervisor of the ATV Program, Bureau of Parks & Lands, the following trail documentation (hereinafter called the "trail plan"):
 - a. A topographic map or a local tax map designating to the satisfaction of the State, the location of the proposed trail system over all lands, including public and private. Where the State so requests parcel number shall be assigned to each parcel and a distinction made, on the map, between the private landowners and public lands over which the trail is proposed to go.
 - b. A list of landowners and parcel numbers corresponding to the map of the land owned by each as requested.
 - c. A work plan for the proposed trail. The work plan when accepted by the State, shall constitute the obligation of the Municipality/County to do all things contained in the work plan, as if said work plan were a part of this Agreement.

The work shall provide the following:

1. Clearing, developing, and maintaining trail;
 2. Providing and maintaining parking areas where appropriate;
 3. Erecting signs which are approved by the Bureau of Parks and Lands. Sign material content, location and erection shall be strictly in accordance with guidelines and recommendations of the Bureau of Parks & Lands;
 4. Providing information as to the estimated number of signs needed of each denomination;
 5. Providing for adequate sanitary facilities, and picnic areas as appropriate.
 6. Providing for trash receptacles and regular pickup of trash deposited (no less frequent than weekly);
 7. Removing all signs, posts or other related facilities after the season if required by the landowners or by the State;
 8. Enforcement of trail rules/regulations and Maine statutes.
- d. Designation of an individual or agent of the Municipality/County to serve as administrator of the program hereunder.
2. The Municipality/County may make any revisions in the original trail plan necessary to make the plan acceptable to the Supervisor of the ATV Program.
 3. Any approval of the trail plan by the Supervisor shall be in writing to the person appointed by the Municipality/County as administrator of the trail.
 4. The Municipality/County shall strictly adhere to the terms of the approved trail plan and shall not amend, revise, or alter the same without written approval of the Supervisor of the ATV Program.
 5. The provisions of Title 5 M.R.S.A. §4572 regarding nondiscrimination in employment are hereby incorporated into this Agreement by reference as if the same were set out in full herein, and the Municipality/County agrees to comply therewith.
- B. The Municipality/County shall provide copies of any permits that are required by law to the Supervisor of the ATV Program before approval can be given for the proposed trail plan. (Examples: Health and Human Services Sanitary Facilities, DEP, LUPC, (if proposed development is in the unorganized area of the State), etc.
- C. Subject to budgetary and staff limitation, the State shall provide reasonable technical assistance to the Municipality/County in the development of ATV trails and related facilities.

The State agrees to reimburse the Municipality/County on the basis of 90 % of all costs directly related to the acquisition of easements, development and maintenance of ATV trails, subject to the terms of this Agreement.

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1. The costs incurred must be in accordance with the trail plan as approved by the Supervisor of the ATV Program and any approved revision thereto.
 2. The Municipality/County may acquire land by easement, lease or permit. Any trail easement, lease or permit shall be for such term as is necessary, in the opinion of the Supervisor of the ATV Program, to fully utilize facilities and to implement the purposes hereof.
 - a. An affidavit must be provided to insure that the person or entity who is the grantor of the rights to use the land for the proposed ATV trail is the same person or entity shown in the records in the office of the Registrar of Deeds, in the County in which the land is located, to be the owner of the property. All instruments of conveyance, affidavits and the like are subject to approval as to form and content by the State. The State may where it deems the same is necessary, require adequate title opinions to be provided to the State at the Municipality's/County's expense.
 3. Contracts entered into by the Municipality/County for development or services which are funded in whole or in part by the State shall, wherever State law so requires as determined by the Supervisor of the Program, be awarded through competitive bid and following approval of such contracts by the Supervisor.
- D. The Municipality/County shall submit receipted invoices of the out-of-pocket costs actually incurred by it in the establishment, development and maintenance of the approved ATV trail.
- a. Upon the submission, not more often than once monthly, of receipted invoices of trail costs, the Municipality/County may request the State to pay 90 % of the amount so submitted and approved by the Supervisor.
 - b. The Municipality/County shall retain for three years and make available to the State, all records relating to receipt and expenditures of funds under this Agreement.
- E. The State of Maine shall not assume any liability for any expense incurred by the Municipality/County; (I) which expense was not expressly approved in writing in advance by the Supervisor of the ATV Program or, (II) after depletion of the grants-in-aid funds available. All obligations of the State hereunder are subject to the availability of funds in the ATV Recreational Management Fund.
- F. The Municipality/County shall operate and maintain the trails and facilities in good and safe condition of their purposes and in accordance with all applicable federal, state and local laws, ordinance, codes, rules, regulations and standards . The Municipality/County shall not assign, transfer, lease or encumber its rights or obligations hereunder in or to the trails or facilities without the State's prior written consent. The Municipality/County shall indemnify, defend and save the State and its employees harmless from and against any claims, losses, liabilities, costs, expenses, damages or other obligations of any nature in any way arising out of or in connection with the use, occupation, construction, development, repair or maintenance of any property, facilities or equipment used in connection with the facilities funded under this Agreement. Upon request of the State, the Municipality/County shall, at its own cost and expense, provide and keep in force comprehensive general public liability insurance against claims for personal injury, death or property damage occurring on, in or about any property or facilities funded under or used in connection with this Agreement, or respecting the use of any vehicle or equipment used in connection therewith. Any such insurance shall be in an amount form and content determined from time to time by the State, shall include the State as a named insured at the State's request, and shall be carried by responsible companies satisfactory to the State. The State may at any time inspect any facilities or equipment used in connection with this Agreement.

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- G. Once the trail plan has been approved, the Municipality/County shall proceed to acquire the necessary interest in the land, establish the trail and open it to use by the general public. Should the Municipality/County fail to expedite completion of this project or fail to provide for adequate maintenance to keep the trail reasonably safe for public use, provide sanitation and adequate sanitary facilities where needed, and other maintenance and/or facilities as the State may deem necessary, or fail to comply with any provision of the Agreement (including the trail plan), the State may withhold any future payments and terminate this Agreement immediately upon written notice to the Municipality/County. If the Municipality/County receives any funds improperly paid or misapplies or misuses any funds received from the State pursuant to this Agreement, or if the State incurs or is charged with any costs, expenses or damages in connection with the property which is the subject of this Agreement (except as herein expressly provided), the Municipality/County shall immediately upon demand promptly reimburse the State for all such amounts. If the Municipality fails to make such payment, the State may withhold all or any part of the monies which may be payable to the Municipality/County under other State programs, by invoking the provisions of Title 5 M.R.S.A. §133 or otherwise.

MUNICIPAL/County APPROVAL

Municipality: _____ County: _____

Signature: _____ Dated: _____

Title: _____
Chairman of Board of
Selectman/Town/ City or County
Manager

Type text here

STATE OF MAINE APPROVAL

Department of Agriculture, Conservation and Forestry
Bureau of Parks & Lands

By: _____ Dated: _____

Title: _____

TOWN OF GRAY POSITION DESCRIPTION

POSITION TITLE: COMMUNITY PLANNER – COMMUNITY & ECONOMIC DEVELOPMENT
DATE CREATED/ REVISED: 05/06/2021

Classification: Full-Time, Salary Exempt

Narrative: This position performs professional, administrative, and technical work related to municipal planning and community economic development for the Town of Gray. An employee in this position addresses planning and zoning questions, drafts ordinance language and revisions, assists with municipal planning functions, provides grant stewardship, and serves as the primary Town staff liaison for the Community Economic Development Committee, Blueberry Festival Committee, Staff Review Committee, and the Planning Board. In addition to AICP/APA certification and municipal land use experience, the ideal candidate will have practical working experience with fostering community economic development opportunities as identified and prioritized by the Town Council and Town Manager. This position works closely and collaboratively with other Community Development Department staff including the Department Director, Code Enforcement Officers, and the Assessor.

Supervision: Supervision is provided to this position by the Director of Community and Economic Development. This position manages and supervises a summer intern when funded by the Town.

POSITION RESPONSIBILITIES/TASKS

Illustrative Only, not all-inclusive:

- Interact with residents, businesses, and developers throughout their permit application process, offering accurate, timely, and detailed information as needed and requested.
- Collaborate with the Director of Community and Economic Development and other Town staff on planning and development projects.
- Research, draft, revise, and interpret zoning and land use ordinances.
- Primary staff support for the Planning Board including preparing applicants, agendas, background memos, draft motions, notice of decisions, etc.
- Maintain organized documentation related to permit and license applications, approvals, modifications, and renewals, as needed.
- Maintain complete Planning Board archives including electronic files and Planning folders for all Planning Board applications.
- Primary staff support for the Community Economic Development Committee.
- Primary staff support for the Blueberry Festival Committee.
- Collaborate with the Director of Community and Economic Development to review community economic development project proposals.
- Make recommendations for Town-driven project proposals that advance goals set by the Comprehensive Plan, Town Council, and the Town Manager.
- Manage grant-funded community economic development programs that advance goals set by the Comprehensive Plan, Town Council, and the Town Manager.
- Represent the Town of Gray on key regional committees, like the Cumberland County Municipal Oversight Committee, that align with the goals set by the Comprehensive Plan, Town Council, and the Town Manager.
- Develop effective and data-driven reports that convey pertinent information about land use and planning, community trends, and other projects.
- Attend professional development workshops and conferences to remain aware of and proficient with best practices in the fields of planning and economic development.

- Cultivate and maintain proactive and effective relationships with key public and private partners, Town staff, government officials and agencies, and other resources that may provide community planning and economic development assistance.
- Perform general office, administrative, word processing and demographic research in absence of or in support of administrative support to meet critical deadlines.
- Manage and supervise a summer planning intern when funded by the Town.
- Additional duties as assigned by the Town Manager or Planning Director.
- Establish and maintain escrows and performance bonds for development projects.

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

- High School Diploma
 G.E.D/High School Equivalent
 Associate Degree
 Bachelor's Degree
 Advanced Degree

Prior Experience Required:

3-5 years of direct experience in this position or directly related to the field. Minimum four-year degree in community planning, business administration, architecture, economics, or a comparable educational program and planning-related work experience.

Prior Experience Preferred:

5 years of direct experience in this position, including supervisory experience, and/or a satisfactory equivalent in the estimation of the Town.

Knowledge, Ability, Skills

- AICP, APA, or comparable professional certification and membership is desired for candidates and will be expected as part of the job requirements and performance goals.
- Thorough knowledge of the principles and practices of municipal land use planning and zoning including ordinances, codes, processes, and regulations.
- Must have knowledge of State subdivision and shoreland statutes and other pertinent Federal and state laws.
- Ability to assist in the permit application process and to serve as an effective advocate for the Town and the community on economic development proposals, with consideration to the Gray Comprehensive Plan, Municipal ordinances, and goals established by the Town Council and Town Manager.
- Ability to implement and manage public financial, business development, and workforce training programs, and economic development projects.
- Demonstrated capacity to research grant funding sources and provide recommendations to the Town Manager; prepare proposals, applications, contracts, and necessary documents for grant funded community services; and administer grants including financial oversight, stewardship, and required reports.
- Comprehensive knowledge of business development, factors affecting business and community vitality, and community economic development.
- Practical working knowledge of real estate transactions including purchase and sales agreements, contingencies, etc.
- Ability to analyze and compile data and synthesize effective reports.
- Must be motivated, organized, and demonstrate effective written and verbal communication.
- Familiarity with municipal software or the willingness to learn new software required for agenda preparation and public notification.

- Ability to deal courteously with staff, committee members, federal, state, regional, and local agencies, community organizations, and other collaborators and members of the public.
- Must have a valid driver's license and have the physical ability to travel routinely and to make site visits that requires walking through undeveloped areas.
- Regular night meetings are a necessary and required expectation of this position.
- Infrequent weekend meetings are a necessary and required expectation of this position.

Physical Requirements/Other:

Shift Length	<input type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input checked="" type="checkbox"/> Nights		<input type="checkbox"/> Evening (Occasional/Rare)		<input type="checkbox"/> Rotating
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Lifting/Carrying (pounds)	Never	Rarely	Occasionally	Frequently	Constantly
0-10	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10-25	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25-50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50-100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typical distance carried: within area <input checked="" type="checkbox"/> between areas <input type="checkbox"/> throughout facility					
DEFINITION KEY	Never: 0 hours	Rarely: <10 min/shift or up to 1 hr/wk	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ladders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift above shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift below knees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel/Crawl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cognitive Demands/Sensory Requirements – For specific job demands, employee must be able to:					
<input checked="" type="checkbox"/> see	<input checked="" type="checkbox"/> hear	<input checked="" type="checkbox"/> distinguish color			
<input type="checkbox"/> work in diminished lighting	<input checked="" type="checkbox"/> make critical decisions	<input checked="" type="checkbox"/> perform in fast-paced environment			
<input checked="" type="checkbox"/> speak	<input type="checkbox"/> work at a set pace/rate	<input checked="" type="checkbox"/> remember accurately			
<input checked="" type="checkbox"/> work under deadlines	<input checked="" type="checkbox"/> perform multiple tasks	<input checked="" type="checkbox"/> work independently			
<input checked="" type="checkbox"/> understand verbal instructions	<input checked="" type="checkbox"/> understand written instructions				
<input type="checkbox"/> other:					

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

Jonathan Hartt

From: Dan Maguire
Sent: Wednesday, April 28, 2021 5:10 PM
To: Jonathan Hartt
Cc: Nathaniel Rudy; Katy Jewell
Subject: FY 2022 Budget Flyer
Attachments: FY 2022 ToG Budget FAQ - Pg 1-4 Master 21.04.26.pdf

Hi Jon,

I use to wrestle with formatting issues, but I have changed the way I merge all the various parts (word doc, spreadsheets and charts) together. Never mind the whole Mac, Windows, Open Office, Word translating nightmare. So hopefully, fingers crossed, this will result in a more stable and trouble free file than in years past.

If I haven't just jinxed myself, you should be able to print this PDF out without any problems. If you do have problems let me know immediately and I'll get you a good copy even if I have to bring you one a thumb drive.

Again, my apologies for the delay. This is an exercise is trying to fit 10 pounds into a 5 pound bag and I can't seem to nail down how much time it will take me to do until I get it done.

You'll notice the 3 red boxes outlining sections of the flyer. These are sections that are not finished, either because we don't know the MIL rate yet, or in the case of the "Municipal Finances" section on page 2 I still have some questions for Katy. When the I get those sections updated and the TC weighs in on any changes and corrections they want I'll produce a final draft and add "FINAL DRAFT" to the file name to distinguish it from earlier revisions.

Could you please add a copy of this email into the TC packet with the flyer. Thanks for your help.

Best regards,

Dan

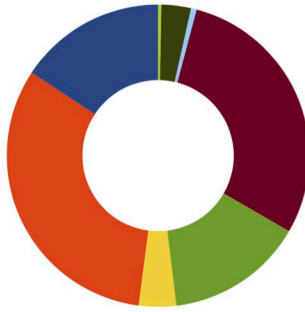
This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

Town of Gray • Proposed Municipal Budget Guide • FY 2022 (July 1, 2021 – June 30, 2022)

Budget Summary

Expense Budget

\$ 1,444,543	Administration
\$ 1,187,679	Municipal Expenses
\$ 367,653	Library, Parks & Recreation
\$ 1,350,386	Public Safety
\$ 2,680,276	Public Works
\$ 55,840	Council, Boards, Committees
\$ 288,081	Law Enforcement
\$ 32,075	Community Services
\$ 9,171,533	Total Expense Budget



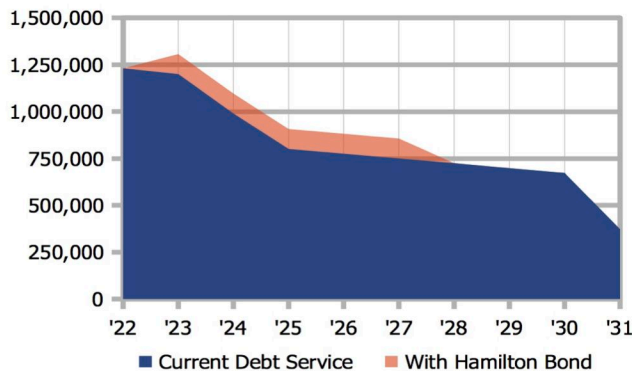
A decreasing budget With revenue increasing faster than expenses the proposed FY2022 budget is **-2.5%** less than this year's FY2021 budget. The MIL rate will be the same as this year \$14.75.

Stabilized funding for the Capital Improvement Plan (CIP) allowed us to make a smaller contribution to CIP Reserve account this FY2022 and still maintain the health of the fund for the future.

Route 115 Reconstruction Money will be set aside to begin planning for the repair and widening of Rte 115 (Yarmouth Rd.) from the Village up to the top of Week's Hill. The work will include; enlarging the right of way, road and intersection design, stormwater improvements, "traffic calming" features, the possible reconfiguration of the Brown St. & Yarmouth Rd. intersection and sidewalks as well as installation of a new water main.

Bond Rating The Town has excellent bonds ratings. An AA+ from Standards & Poor's, their 2nd highest rating tier and Moody's Aa2 rating is their 3rd highest rating. We received these ratings due to our "good financial polices and practices" and our "low overall debt". 70+% of the Town's current debt will be paid off within the next 10 years.

Debt Service Payments



A new Senior Tax Assistance program is on the ballot and requires voter approve funding for the program and an increase in local property taxes. If approved, taxes on a \$250,000 property will increase \$63.00 per year. Residents who qualify for the program may apply to have some of their property taxes refunded. (See Articles 12 & 13)

Where do our local property taxes go? 63% to MSAD15, 29% to the Town of Gray, 4% to Cumberland County and 4% into our TIF fund. (see the chart to the right)

Tax Increment Financing (TIF) Allows the Town to set aside local property taxes to be used for local projects without negatively impacting either the school funding formula for MSAD15 or the State's revenue sharing calculations for the Town during the life of the TIF.

Warrant Articles (in the order they appear on the ballot)

Article 1 Is reserved for electing a moderator at Town Meetings and so it does not appear on the ballot.

Article 2 Gives the Town permission to accept Federal, State & other revenue to help fund the 2022 budget.

Article 3 The Town is required to present the budget on the ballot in the 8 categories shown in the chart above.

Article 4 Our Charter, Art. II, Sec. 6 requires a separate ballot question to raise \$10,000 for Council compensation. Last increased in 2001.

Article 5 Shall the Town vote to appropriate \$2,147,93 from the Capital Reserve Fund to pay for: (see page 4 for a complete listing)

Debt Service \$1,230,900. **Paving** \$467,625. **Sidewalks** \$175,910. **Miscellaneous** \$161,500. **Land Acquisition** \$50,000. **IT** \$34,500.

Article 6 Town can accept & spend, for specific purposes money from dedicated accounts. Includes fees raised by the Rec Dept., permits, etc.

Article 7 Puts money from the sale of Town owned vehicles, equipment, etc. valued at \$100,000 or less into the Capital Reserve Fund.

Article 8 Allows gifts & donations from Rec., Library, Fire/Rescue Assoc. & other funds to be spent for the intended purposes.

Article 9 Allows the Town Council to make tax abatement payments.

Article 10 Allows the purchase of the "Hamilton" property, located on Main Street opposite Colley Hill Road, for \$500,000. To enable the Town to implement short and long-term uses and improvements consistent with the Comprehensive Plan. Paid for by a bond authorized by Article 11.

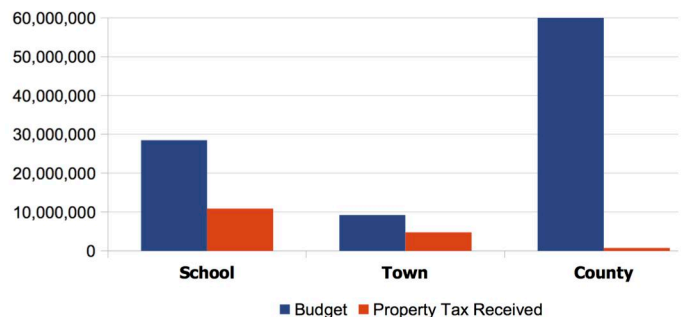
A yes vote does not effect the Mil rate this year.

Article 11 Shall a \$500,000 bond (totaling \$531,183 with interest) be authorized to purchase the "Hamilton" property authorized in Article 10? **The purchase does not exceed the Town's LD1 cap and the bond will be repaid in 5 years.**

Article 12 Shall the Town vote to raise and appropriate \$25,000 to fund Senior Property Tax Assistance program as described in Town of Gray Ordinance Section 305, which provides property tax refund payments to those individuals seventy (70) years of age and over who maintain a homestead in the Town of Gray and meet the income and eligibility criteria established by the ordinance? **Article 13 must pass for this Article to be authorized.**

Article 13 Shall the Town's property tax levy limit be increased by \$25,000 for the purpose of funding the Senior Property Tax Assistance program detailed in Article 12 above? This will result in a local property tax increase. In 2004 Maine passed the Municipal Expenditure Cap known as "LD1". The State calculates our cap from our Town Assessor's data. Then the cap restricts municipal taxes, not school or county taxes. **This Article must pass for Article 12 to be athesized**

Where Does Our Property Tax Go?



Town of Gray • Proposed Municipal Budget Guide • FY 2022 (July 1, 2021 – June 30, 2022)

A Expense Budget Summary		B FY 2021 Voter Approved Budget	C FY 2022 Proposed Budget	D FY 2021 vs FY 2022 Difference	E % Change for each line item	F % of Total FY 2022 Budget
Department						
1	Administration					
2	Administration	634,116	622,149	-11,967	-1.9%	8.4%
3	Community Development	233,746	231,827	-1,919	-0.8%	3.1%
4	Assessing	143,355	142,097	-1,258	-0.9%	1.9%
5	Code Enforcement	204,738	202,331	-2,407	-1.2%	2.7%
6	General Assistance	24,298	27,698	3,400	14.0%	0.4%
7	Communication & Information	201,827	204,230	2,403	1.2%	2.8%
8	Elections	16,089	14,211	-1,878	-11.7%	0.2%
9	Administration	1,458,169	1,444,543	-13,626	-0.9%	19.5%
10	Municipal Finances					
11	General & Medical Insurance	1,135,837	1,082,679	-53,158	-4.7%	14.6%
12	Annual Wage Adjustments	0	80,000	80,000		1.1%
13	Vacation & Sick Time Accrual	35,000	25,000	-10,000	-28.6%	0.3%
14	Municipal Finances	1,170,837	1,187,679	16,842	1.4%	16.0%
15	Library, Parks & Recreation					
16	Library	328,840	328,633	-207	-0.1%	4.4%
17	Parks & Recreation	67,354	38,020	-29,334	-43.6%	0.5%
18	Open Space	0	1,000	1,000	100.0%	0.0%
19	Library, Parks & Recreation	396,194	367,653	-28,541	-7.2%	5.0%
20	Public Safety					
21	Public Safety	1,114,933	1,111,202	-3,731	-0.3%	15.0%
22	Utilities	222,434	239,184	16,750	7.5%	3.2%
23	Public Safety	1,337,367	1,350,386	13,019	1.0%	18.2%
24	Public Works					
25	Winter Roads	516,751	518,950	2,199	0.4%	7.0%
26	Summer Roads	464,648	492,359	27,711	6.0%	6.6%
27	Additional Roadwork	146,095	157,503	11,408	7.8%	2.1%
28	Garage	245,540	240,124	-5,416	-2.2%	3.2%
29	Recycling	792,347	825,698	33,351	4.2%	11.1%
30	Buildings & Grounds	347,693	445,642	97,949	28.2%	6.0%
31	Public Works	2,513,074	2,680,276	167,202	6.7%	36.2%
32	Council, Boards, Committees					
33	Council, Boards, Committees	47,615	40,715	-6,900	-14.5%	0.5%
34	Zoning Board of Appeals	3,900	1,700	-2,200	-56.4%	0.0%
35	Planning Board	4,725	4,475	-250	-5.3%	0.1%
36	Economic Development	9,100	8,950	-150	-1.6%	0.1%
37	Council, Boards, Committees	65,340	55,840	-9,500	-14.5%	0.8%
38	Law Enforcement					
39	Law Enforcement	253,786	288,081	34,295	13.5%	3.9%
40	Law Enforcement	253,786	288,081	34,295		3.9%
41	Community Services					
42	Community Services	31,131	32,075	944	3.0%	0.4%
43	Community Services	31,131	32,075	944	3.0%	0.4%
44	TOTAL GENERAL FUND EXPENSES	7,225,898	7,406,533	180,635	2.5%	
45	TOTAL GENERAL FUND REVENUE	3,396,829	3,524,651	127,822	3.8%	
46	* TOTAL GENERAL FUND BUDGET	3,829,069	3,881,882	52,813	1.4%	

Capital Reserve Fund Budget (CIP)

50	Capital Reserve Project Expense (CIP)	1,800,000	1,765,000	-35,000	-1.9%	
51	Total Capital Reserve Fund Revenue	681,000	820,410	139,410	20.5%	
52	TTL CAP RESERVE FUND BUDGET	1,119,000	944,590	-174,410	-15.6%	
54	TTL PROPOSED FY 2020-2021 BUDGET	4,948,069	4,826,472	-121,597	-2.5%	

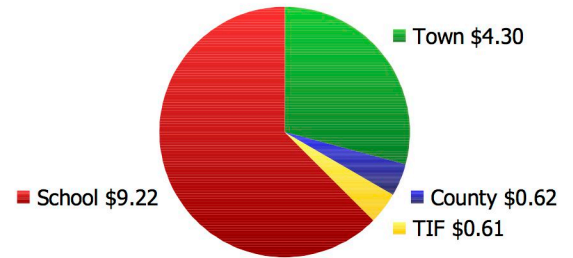
* The amount of the Expense Budget to be raised locally through property taxes.

Town of Gray • Proposed Municipal Budget Guide • FY 2022 (July 1, 2021 – June 30, 2022)

General Fund Revenue Proposed

			FY 2021	FY 2022
Accounts	Description	Budget	Budget	
1	01-100 to 01-104	Clerk Fees *	\$ 39,100	43,200
2	01-105 to 01-145	Planning Dept / CEO Fees *	\$ 172,850	188,350
3	01-150	Dog Control	\$ 7,000	4,000
4	01-151	Public Communications	\$ 0	0
5	02-010	Auto Excise Tax	\$ 1,775,000	1,825,000
6	02-015	Boat Excise Tax	\$ 21,000	21,222
7	02-041	Cable Franchise Fees	\$ 100,000	102,000
8	02-200	Interest-General Fund	\$ 25,000	25,000
9	02-201	Interest on Delinquent Taxes	\$ 50,000	50,000
10	02-850	Payment Rebates	\$ 0	0
11	02-900	Miscellaneous Revenue	\$ 10,000	10,000
12	03-066	Lost Book	\$ 1,030	1,030
13	03-067	Library Fines	\$ 6,000	3,000
14	04-055	Rescue Fees	\$ 200,000	270,000
15	05-039	Gravel Pits	\$ 1,100	1,100
16	05-048	Driveway Opening	\$ 4,250	5,500
17	05-066	Tree Removal	\$ 4,500	4,500
18	05-078 to 05-097	Transfer Station Fees & Income *	\$ 114,250	116,500
19	06-049	Shoreland Application Fee	\$ 4,000	4,000
20	06-053	Junkyard Fees	\$ 50	50
21	06-370	Zoning Board Applications	\$ 500	500
22	06-380	Planning Board Fees	\$ 15,000	12,500
23	06-862	Blueberry Festival	\$ 4,200	4,200
24	11-005	DOT Local Roads	\$ 144,000	135,000
25	11-008	GA Reimbursement	\$ 10,000	10,000
26	11-060	State Revenue Sharing	\$ 656,894	656,894
27	11-061	Snowmobiles	\$ 3,000	3,000
28	11-062	Tree Growth	\$ 21,700	21,700
29	11-063	Veterans Reimbursement	\$ 5,005	5,005
30	11-067	Animal Waste Facility	\$ 900	900
31	Transferred from	Henry Pennell Mncpl Cmplx Fund	\$ 500	500
32	Total General Fund Revenue		\$ 3,396,829	3,524,651

\$14.75 Projected MIL Rate



Budget and Project Highlights

Hamilton property purchase The Town has an opportunity, with voter approval to purchase the Hamilton property across from Town Hall. Purchasing the property will give the voters a say in how the property is developed.

Land Acquisition After voters approved the creation of this fund, we have been able to add to the fund this year. The Open Space Committee has been working to develop a framework for accepting, acquiring and protecting access and property rights as well as reaching out to local land owners.

Rebuilding Main Street (Rte 100) We have been informed by the Maine Dept, of Transportation (MDOT) of their plan to replace the storm water system on Main St. from the VFW to Yarmouth Rd and down Rtes. 202/115/100 to the Turnpike. The Gray Water District will replace the water main. Other possible projects include burying the utilities, sidewalk, crosswalk and traffic "calming" features to slow traffic through the Village.

2020 Financial Audit The Auditors determined that the financial standards, reports, schedules and processes used by the Town meet and comply with the Government Auditing Standards issued by the Comptroller General of the United States. "...our tests disclosed no instances of noncompliance or other matters that are required to be reported..."

Wilkie's Beach boat ramp, ATV and Bike/Ped Trails, the Yarmouth Road Park We are seeking or have received grants to fund the creation, replacement or repair of these projects to lessen the impact on local taxes.

Water damage at Town Hall covered by insurance While the water damage caused by a faulty sprinkler system created significant damage to the town hall, our town staff worked extremely hard and succeeded in keeping the Town Hall open during the clean up and repairs. For this we owe them our sincerest thanks. Fortunately insurance is covering almost all the cost of the clean up and repairs.

Comprehensive Plan The Council has begun implementing the plan approved last year. Acquiring 12 acres of open space and continued public access to trails through a Contract Zone Agreement. As a start, all Town Council committees have been asked to look at how their committee can help meet the goals in our new plan.

The Pocket Park, a new playground and a use study for the Pennell Lab are all being paid for with grant money obtained by the Town

Projected Capital Reserve Fund Revenue Projected

		Budget FY	Budget FY
Description		2020-2021	2021-2022
33	Unassigned Fund Balance	681,000	500,000
34	Village TIF Transfer	\$ 0	75,000
35	Route 100 TIF Transfer	\$ 0	245,410
36	Total Capital Reserve Fund Revenue	\$ 681,000	820,410

TOTAL PROPOSED CAPITAL RESERVE FUND REVENUE \$ 4,077,829 4,345,061

* This figure is the total of multiple accounts in this department.

Town of Gray • Proposed Municipal Budget Guide • FY 2022 (July 1, 2021 – June 30, 2022)

Proposed Capital Improvement Projects

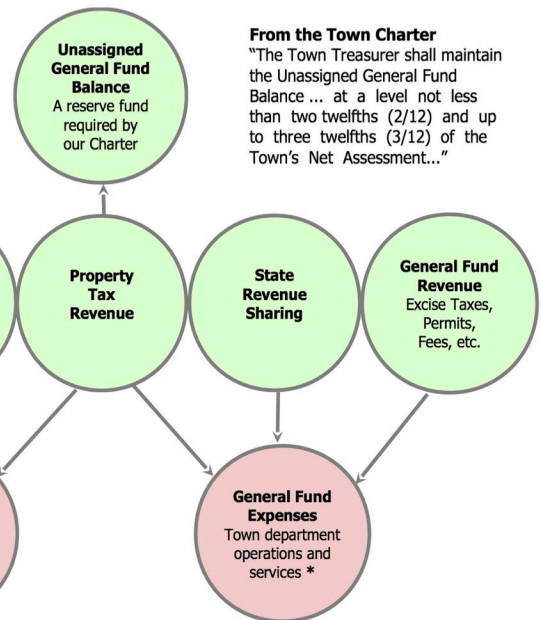
Administration		
1	Public Buildings Reserve Account	\$ 15,000
2	Computers (Town-wide per schedule)	\$ 20,000
3	GCTV Equipment	\$ 14,500
4	Pennell Septic Plan	\$ 5,000
5	Pleasant River Restoration Project, Phase II	\$ 5,000
6	Thayer Brook/Presumpscot River Testing	\$ 2,000
7	Groundwater Analysis	\$ 29,500
8	Gray Village Revitalization/CDEP *	\$ 75,000
9	Administration Total	\$ 166,000
Municipal Finances – Debt Service		
10	Bond-Bridges/Road (FY 2015-24)	\$ 172,461
11	Bond-Library (FY 2015-24)	\$ 177,214
12	Bond-PW/Transfer Station (FY 2010-30)	\$ 214,000
13	Bond-Pennell (FY 2010-30)	\$ 160,500
14	Bond-Town Wide (FY 2019-39)	\$ 506,725
15	Municipal Finances	\$ 1,230,900
Library, Parks & Recreation		
16	Basketball Court Lights	\$ 2,500
17	Land Acquisition Fund Payment	\$ 50,000
18	Administration Total	\$ 52,500

Public Works		
19	Paving – Dutton Hill Road	\$ 174,675
20	Paving – Hancock Street	\$ 19,125
21	Paving – Summit Road	\$ 20,825
22	Paving – Linden Lane	\$ 25,925
23	Paving – Liberty Avenue	\$ 14,875
24	Paving – Stave Mill Road	\$ 19,125
25	Paving – Marie Street	\$ 18,275
26	Paving – Marian Avenue	\$ 8,500
27	Paving – Jenny Drive	\$ 22,100
28	Paving – Fran Circle	\$ 59,500
29	Paving – Megquire Road	\$ 17,425
30	Paving – Alling Drive	\$ 14,875
31	Paving – Gray Stone Road	\$ 24,650
32	Paving – Spiro Ave	\$ 9,350
33	Pavement Condition Study	\$ 18,400
34	Electric Vehicle Charger Installation	\$ 5,000
35	Road Reconstruction – Yarmouth Road (a)	\$ 175,910
36	Water District Planning & Engineering	\$ 40,000
37	Stormwater Modeling	\$ 10,000
38	Total Public Works	\$ 698,535
39	Total Proposed Capital Improvements	\$ 2,147,935

* CDEP – Community Development Economic Planning

Revenue and Expense Accounts

Borrowing from the Reserve Fund (or Unassigned General Fund Balance) can only be authorized by the voters. Borrowed funds must be repaid to the fund within 5 years. The Reserve fund was last used to help purchase our ladder truck. This FY2022 budget includes money to finish paying for the ladder truck and restores the 3/12s fund balance.



From the Town Charter
 "The Town Treasurer shall maintain the Unassigned General Fund Balance ... at a level not less than two twelfths (2/12) and up to three twelfths (3/12) of the Town's Net Assessment..."

* A complete listing of all the components of these revenue and expense funds can be found on the Town's website.

TIF: This is a State program that allows revenue from increasing property values to be set aside and used for public infrastructure projects.

Northbrook TIF: Helped create the Northbrook Business Park.

Rte 100 – So. Gray TIF: Originally created to replace and extended a water main down Rte 100. It was expanded and redefined in 2020 to allow for the reconstruction of Yarmouth Rd.

Village TIF: A fund to repair, improve and replace roads, intersections, sidewalks and underground utilities in the Village and roads leading to and from the Village.

PB Escrow: The Planning Board escrow accounts contain money from developers to guarantee the completion of projects.

Landfill: This is a fund to maintain our capped landfill off Seagull Drive.

Sub-D Rec: Subdivision Recreation account a fees to be used to construct recreational projects in town.

Gravel Pits: This fund is to help reclaim gravel pits when they close.

PW & PS vehicles: Public Works and Public Safety vehicles that have an expected useful life of 15, 20 years or more.