

February, 2009

Proposed Changes to Lamoine Ordinances
To be voted on at
Lamoine Town Meeting April 9, 2009

Dear Fellow Citizen:

The Planning Board tries to keep the town's ordinances updated and consistent. This requires revising parts of our ordinances every couple of years.

At the April Town Meeting, we will ask the town to approve the changes below. We will hold a Public Hearing on March 3 at 6:30. You are welcome to attend or to call Gordon Donaldson (667 2382) with questions.

The Lamoine Planning Board

Building and Land Use Ordinance

Summary: Changes to make the ordinance consistent with the Site Plan Review Ordinance (Section 12A), to clarify rules about road entrances in general (Section 5C) and in the case of subdivisions (Section 12F4), and to add a section entitled "Private Ways" that clarifies the difference between private ways and roads (Section 5E).

Lamoine Building & Land Use Ordinance Amendments April, 2009

Key

Bold Italic = Proposed New Language

~~Strikethrough~~ = Language to be removed from the present ordinance

Sections of the existing ordinance not listed and normal lettering = no change proposed.

Section 12 A. SCOPE

A subdivision shall be the division of a tract or parcel of land, as defined in the State Statutes, MRSA, Title 30, Section 4956, into 3 or more lots for the purpose of sale, development, or building. The terms, development and building, shall refer broadly to the establishment of buildings or developments for purposes including, but not limited to, cluster housing, mobile home parks, campgrounds, motels, and apartment or cooperative housing with multiple building or dwelling units. The establishment of 3 or more dwelling units, lodging units, and/or commercial, industrial, institutional, or retail establishments on any one tract or parcel of land shall constitute a subdivision. A subdivision shall, where required, meet all conditions described in the Lamoine Site Plan Review Ordinance. ***(See Section G of the Site Plan Review Ordinance)***

Any residential subdivision which proposes for any purpose, including subdivision roads, to pave, strip, grade or remove earth materials from vegetated areas of more than ten thousand (10,000) square feet within a five (5) year period shall meet all applicable conditions described in the Lamoine Site Plan Review Ordinance.

Section 5 C. Entrances to Roads & Streets:

~~A Lamoine Entry Permit is required from the Lamoine CEO or Road Commissioner prior to establishing an entry to a town maintained road or street, except in cases where a State Entry Permit is required for State roads. The following are the minimum standards for new or replacement driveway entrance culverts:~~

A Lamoine Entry Permit is required from the Lamoine CEO or Road Commissioner prior to establishing access onto a public roadway in the Town of Lamoine except in cases where a State Entry Permit is required for a state road. Any access shall conform to Chapter 299 of the Maine Department of Transportation Highway, Driveway and Entrance Rules Part A Sections 1 & 2 and Part B Sections 1 & 2 and any subsequent revisions. Each lot shall be accessed by no more than one curb cut unless a waiver is granted by the Planning Board.

The following are the minimum standards for new or replacement driveway entrance culverts.

1. The culvert must be new, not used, and shall be supplied and installed by the permittee.
2. Culvert Diameter: minimum of 15" (12" if there is ledge, although with the smaller size, freezing is a strong concern). Final size is determined by the amount of runoff in a given location.
3. Length: minimum of 24' with a preference for 30' (30' helps prevent collapsing of the ends). A maximum length of 50' is allowed.
4. Materials: Aluminum Clad Corrugated Metal Pipe or plastic corrugated pipe are permitted. Plastic (HDPE) corrugated pipe must meet or exceed AASHTO specification M294. For 24" and larger diameters, 14 gauge material is required and below 24", 16 gauge is required. The use of bituminous coated corrugated metal pipe is prohibited.
5. Design Standards: Where the driveway is pitched upward from the road, the shoulder grade should be maintained as far as practical. The object is to help prevent water flowing down the driveway and onto the road where icing is a problem in winter. Where maintaining shoulder grade is not practical, some other means of diverting water flow should be provided.

D. Driveways: WIDTHS AND SETBACKS

Each lot shall be provided with a driveway at least ten (10) feet in width. The edge of all driveways must be set back 15 feet from side and rear lot lines. Driveway setbacks may be less than 15 feet with the written agreement of all landowners abutting the proposed driveway.

E. Private Ways: Construction Standards

All private ways shall meet the requirements in Section 5.D above and the following:

- a. Within every 500-foot section of a private way, an area twenty (20) feet in width and fifty (50) feet in length shall be constructed for the purpose of allowing two vehicles to pass.*
- b. Prior to final approval the private way shall receive written approval from the Lamoine Fire Chief or his designee.*
- c. Any proposal to increase the number of lots to be served by a private way to three (3) or more must include a plan to upgrade the private way to the Minimum Standards for Street Design and Construction as found in Section 12. F. of the Lamoine Building and Land Use Code, provided the proposed construction creates a subdivision as defined in the ordinance.*

F. Off-Street Parking:

Off-street parking shall be provided with a minimum of 300 square feet per dwelling unit in the case of all residential structures; in the case of commercial and industrial structures, 600 square feet per each 5,000 square feet of floor space or portion thereof. This may be accomplished by driveway space, garage space, parking lot space, or any combination of the three.

G. Adequacy of Soils for Sewage Disposal:

All lots suitable for building purposes requiring sewage disposal must be served by septic systems which meet the standards prescribed in the Maine State Subsurface Wastewater Disposal (SSWD) Rules, Part II (most recent edition).

1. The Plumbing Inspector shall issue all septic system permits for all lots in the Lamoine Shorelands Zone.

H. Non-Conforming Lots of Record:

Any non-conforming lot of record existing before March 1976 and not adjoined by other land of the same ownership may be used if it is in accordance with all other provisions of this ordinance and state law. Any non-conforming lot of record established between March 1976 and May 1999, not adjoined by other land of the same ownership but conforming to prior law at its date of purchase, may be used if in accordance with all other provisions of this ordinance and state law and if the applicant demonstrates that steps will be taken to prevent water pollution.

I. Non Conforming Structure:

If any portion of a structure does not meet the dimensional requirements of the Building and Land Use Ordinance, that portion of the structure shall not be expanded by more than 30% in floor area or volume.

Section 12 F. Minimum Standards for Street Design and Construction

1. Roads shall be located, constructed, and maintained so that erosion is kept to a minimum. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters to the maximum extent possible, as defined by the Maine Department of Transportation's Standards of Practice. The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built-up areas, and proper projection of streets into adjacent un-subdivided and open land.

2. *Where a proposed development involves the division of a tract or parcel of land into three (3) or more lots within any five (5) year period, whether accomplished by sale, lease, development, buildings or otherwise, as defined by the Subdivision Law, Title 30-A MRSA sections 4401-4407, the following provision shall apply: Direct lot-by-lot access to the existing public road is prohibited unless the Planning Board determines that conditions particular to the parcel justify the granting of a waiver from this requirement.*

Waiver – A waiver may be granted for any individual lot only if there will be no further subdivision of that lot and the shape, size or physical condition of the parcel permits neither access to a street other than the public road nor the creation of a service/frontage road to allow that access.

3. All roads constructed shall conform to the following standards:
 - a. Ditching shall be sufficient to prevent flooding of roadways, and bottoms of culverts shall be installed at streambed elevation;

- b. All cut and filled banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible;
- c. The arrangement, character, extent, width, grade, and location of all roads shall provide for safe access and egress based on their relation to existing or planned roads, to topographical conditions, to public convenience and to safety, and their relation to the proposed use of the land to be served by such roads. Grades of roads shall conform as closely as possible to the original topography;
- d. Road intersections and curves shall be so designed as to permit safe access and egress for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 25-foot sight lines between intersecting roads shall be cleared of all growth (except isolated trees) and obstructions above the level of 3 feet higher than the center line of the road. When necessary to achieve visibility, ground shall be excavated;
- e. Local streets shall be designed to discourage through traffic;
- f. Width of right-of-ways shall be a minimum of 50 feet;
- g. Width of streets shall be two (2) ten (10) foot traffic lanes and two (2) two (2) foot parking and delivery lanes abutted on the outer edges by a tapered, compacted soil with a 3 to 1 slope.;
- h. The edge of all streets shall be set back at least 15 feet from abutting property lines.
- i. The radius of center line curve shall be 100 feet minimum;
- j. Angle of street at intersection shall be not less than 60 degrees;
- k. Street grades shall be a minimum of 0.5% and a maximum grade of 3% within 50 feet;
- l. Cul-de-sac and dead-end streets shall have adequate provisions for turning at the closed end, with a minimum radius of 50 feet;
- m. Property lines at intersections shall be rounded with a minimum radius of 20 feet;
- n. All streets shall be properly excavated and have a base course of at least 18 inches of gravel and a wearing course in addition. On streets and ways which the developer intends to petition the Town for acceptance as a Town road, the wearing course shall be of a material equal to two coats of bituminous products as applied on State Aid roads. The wearing course on streets in a development which will remain private ways may have a wearing course of any material which insures safe travel and passing at all times. All streets shall be in accordance with good engineering practices and be provided with adequate drainage;
- o. Sidewalks, **guardrails or other safety measures** may be required at the discretion of the Board ~~and with the subdivider's agreement.~~

Gravel Extraction Ordinance

Summary: Changes to clarify the steps in the permitting process for different types of application (new pit, renewal for existing pit, etc.; See Section 7B & 7C); to clarify the performance requirements for "restoration" of vegetation to unused portions of pits (Section 8D); to update three definitions.

Town of Lamoine Gravel Ordinance Amendments – April 2009

Key

Bold Italic = Proposed New Language

~~Strikethrough~~ = Language to be removed from the present ordinance

Sections of the existing ordinance not listed and normal lettering = no change proposed.

SECTION 1. PURPOSE

~~The purpose of this Ordinance is to define and regulate the excavation, extraction, processing, storage, and transportation of sand, gravel, crushed stone, soil and loam in the Town of Lamoine in order to protect the public health, safety and welfare and to conserve the natural beauty of the Town.~~

The purposes of this ordinance are to:

- 1. define and regulate the excavation, extraction, processing, storage and transportation of sand, gravel, crushed stone, soil and loam in the Town of Lamoine in order to protect the public health, safety and welfare and to conserve the natural beauty of the Town.*
- 2. ensure soil stabilization to prevent wind or water erosion from causing on-site or off-site damage and improve the aesthetic appeal and ability of the site to support wildlife.*

SECTION 7. ADMINISTRATION

A. Permit Required

After the effective date of this Ordinance, no person, firm or corporation shall engage in any gravel excavation or processing operation requiring a permit without the gravel pit owner first obtaining a permit from the Lamoine Planning Board.

B. Procedure

The application for a permit shall be filed with the Planning Board and accompanied by the required application fee. The application fee shall be commensurate with the size of the proposed or existing gravel pit. The fee shall be \$100 for 4 acres or less, \$200 for over 4 acres to 8 acres, and \$300 for more than 8 acres.

~~Within 30 days of the receipt of a complete application, the Planning Board may hold a public hearing. The Planning Board shall publish the time, date and place of the hearing in a newspaper of local circulation and shall notify the abutting property owners of the public hearing.~~

Within forty-five (45) days of receipt of a complete application for renewal of a permit not yet expired, the Board shall hold a site visit and may additionally hold a public hearing.

Within forty-five (45) days of receipt of a complete application for renewal of a permit which has expired, the Board shall hold both a site visit and a public hearing.

Within forty-five (45) days of receipt of a complete application for a new pit, the Board shall hold a site visit and a public hearing.

Within forty-five (45) days of a public hearing, or within seventy-five (75) days of the receipt of a complete application, or unless an agreement is made between the applicant and the Planning Board to extend the time, the Planning Board shall, in writing, either approve, approve with conditions or disapprove the application.

~~Within 30 days of the public hearing, or within 60 days of the receipt of the complete application, or unless an agreement is made between the applicant and the Planning Board to extend the time, the Planning Board shall, in writing, either approve, approve with conditions, or disapprove the application.~~

C. Submission

The application for a permit shall be submitted to the Planning Board accompanied by the following information:

1. The name and current address of the record owner of the property involved.
2. The name and current address of the individual, firm or corporation working the site if different from the record owner.
3. A to scale plot plan showing the location and boundaries of the site and the name and location of abutting property owners.
4. The existing contours of the land within and extending beyond the above boundaries for 100 feet at intervals not to exceed 10 feet in elevation. The scale used in defining contours shall appear on the plot plan.
- ~~5.~~ **5. Maps**
 - a. For renewal of a permit (see Section 7. B. Procedure above), a map which clearly indicates (by color coding or other method):**
 - i. the area included in the applicant's extraction operation for the three years immediately preceding this permit application**
 - ii. the area of intended extraction during the three years covered by this permit application**
 - iii. any areas of the pit which have been fully restored**
 - iv. any area of the pit from which no further extraction is anticipated (closed portion)**
 - b. For a new permit (see Section 7.B. Procedure above), a map which clearly indicates (by color coding or other method):**
 - i. areas restored (if applicable) during the three years immediately preceding this permit application**
 - ii. areas anticipated to be restored during the three years covered by this permit application**
6. The location of all proposed access roads and temporary structures.
7. The proposed provisions for drainage and erosion control.
8. The estimated longevity of the gravel pit and/or extraction operation based on the annual removal rate of the last 12 consecutive months prior to the application. For a new pit submit a best estimate.
9. An indication of the financial capacity of the applicant to carry out the necessary site restoration.
10. A detailed landscaping/vegetation plan defining the manner that the gravel pit shall be

returned to as near a natural state as is practical by grading, filling, draining and planting. The landscaping/vegetation plan shall contain a general schedule for implementation of the restoration of the pit with a detailed schedule for restoration to be completed within the duration of the permit.

11. Prior to the October CEO annual inspection each operator shall provide a written statement to the CEO stating whether or not 200 cubic yards were removed during the previous 1 October to 30 September 12 month period.
12. Any other information the Planning Board may deem necessary to indicate the hydrology, the physical characteristics of the site, the extent of proposed operations, and compliance with the performance standards.
13. Plans for any anticipated washing operation, to include any proposal to use ground water extraction from the site to provide for same, demonstrating that the operation will not lower the ground water level at the boundaries of the area by more than two feet, or to the detriment of any existing ground water use.
14. A plan for monitoring separation of excavation limits from the average seasonally high water table.

SECTION 8

D. Restoration

Restoration activity shall be required for any pit or portion thereof which has been discontinued (e.g. that portion of an excavated pit which has reached its boundary limits may be deemed discontinued). Restoration shall be completed within one year of the date on which discontinuance occurred.

All gravel extraction operations shall be restored with perennial vegetation. (**Maine Erosion and Sediment Control BMP, 3/2003 and any subsequent amendments.**) No restored slope shall have a steeper incline than a ratio of two point five (2.5) horizontal to one (1) vertical. A variance may be granted by the Planning Board if other inclines have demonstrable stability.

All slopes shall be capable of sustaining vegetation upon discontinuance of the gravel pit ~~pit~~ extraction operation. ***For two years from the restoration completion date the applicant shall guarantee that at least eighty-five (85) percent of planted vegetation thrives. If at the end of two years more than fifteen (15) percent of planted areas does not sustain vegetation, failed areas shall be replanted. (See Maine Erosion and Sediment Control BMP, 3/2003 and any subsequent amendments.)***

If no restoration is proposed for the duration of the permit, the applicant shall pay to the Town of Lamoine 5 cents per cubic yard removed within the period of the permit. Payments received by the Town will be held in an interest bearing escrow account for the reclamation of the gravel pit. Money may be withdrawn from the escrow account to perform gravel pit reclamation on a schedule determined by the pit owner and Planning Board.

To insure that the gravel pit will be restored as agreed to in the performance standards of Section 8, Subsection D, the owner/operator shall be required to record the restoration agreement with the Hancock County Registry of Deeds on a completed agreement form provided by the Town of Lamoine. Recording this restoration agreement with the deed to the property in which the gravel pit is located, will assure the Town of Lamoine that the

sale of the property to any other owner/operator for any reason, will cause the new owner/operator to comply with the terms of the restoration agreement within the time constraints of the agreement, or immediately if the present or new owner/operator does not continue the operation of the gravel pit and/or mine.

SECTION 9 – DEFINITIONS

D. Gravel Transportation

The term *gravel* transportation shall mean using the public roads in Lamoine to haul sand, gravel, crushed stone or soil except for snow plowing and sanding operations.

G. Gravel Pit Restoration

The term means the stabilization of inactive borrow areas with herbaceous perennial plants

Site Plan Review Ordinance

Summary: to increase the number of copies of applications to be submitted so there is one for each member of the Board, the CEO, and the file.

Town of Lamoine Site Plan Review Ordinance Amendment April, 2009

Key

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I. Site Plan Review Application Requirements

Applications for all site plan review shall be submitted on application forms provided by the town at least ten days before the board is scheduled to review the application at a regularly scheduled meeting and mailed to the Planning Board at least 7 days prior to this meeting. The submission shall contain at least the following exhibits and information:

1. A fully executed and signed original and ~~seven~~ ***nine*** copies of the application for site plan review.