

General Code Questions for Durham Land Use Ordinance

(With Staff Responses)

General Issues

Question 1 – Use of terms 'Selectmen' vs 'Select Board' (Nomenclature)

Town Staff Response – Use 'Select Board' throughout Ordinance.

Question 2 – Interchangeable use of terms 'Street' and 'Road' (Consistency)

Town Staff Response – Use "Road" throughout Ordinance.

Question 3 – Varied use of 'Registered' vs 'Licensed' Professionals (Terminology/Consistency)

Town Staff Response – Use "Licensed" throughout Ordinance.

Question 4 – 'Municipal Officers' vs 'Select Board' (Nomenclature)

Town Staff Response – Define "Municipal Officers as "Select Board."

Question 5 – Need for review of street standards for current applicability, consistency, and possible consolidation (Consistency, Update)

Town Staff Response - The current road standards with "public" and "private" road standards are based on a repealed Growth Management Ordinance. We will be preparing a revised version of Appendix 1 that follows standard use classifications and construction standards for minor local, local, and sub-collector roads. We will also consider moving the parking standards out of Appendix 1 into Article 8 for non-residential development. Appendix 1 is primarily intended to contain the standards to be applied by the Planning Board in the review of new subdivisions. We will also be preparing and processing a proposed overhaul of the multiple back lot access program, moving to a "private way" program with Planning Board review of the establishment of new roads outside of legal subdivisions. The intent is that private ways would need to meet the same standards as roads in subdivisions if they are serving a similar number of lots. Single back lots will be revised to be served by a driveway.

Question 6 – Sec. 1.1 Varied use of terms 'This Ordinance' vs. 'This Chapter' (Terminology/Consistency)

Town Staff Response – Use "this Chapter" throughout Ordinance.

Article 1 – General Provisions

Question 7 – Sec. 1.2 Establish preferred use of 'Official Zoning Map' vs 'Zoning Map' (Terminology)

Town Staff Response – Use "Zoning Map" throughout Ordinance.

Question 8 – Sec. 1.3 Severability provisions are in multiple sections (Consistency/Legal)

Town Staff Response – Delete separate severability sections in Ordinance.

Question 9 – Sec. 19.15 Need 'Aquifer Recharge Area' definition completion (Definition)

Town Staff Response – Complete the definition of recharge to include infiltration and percolation.

Question 10 – Sec. 19.22 Consider a more descriptive 'Back Lot' definition (Definition)

Town Staff Response – Sample #2: BACK LOT – A lot with 50 feet of frontage on a public or private road, developed in accordance with § 250-5.7.

Question 11 – Sec. 19.35 Update the 'Business Service' definition to match SIC Manual (Definition)

Town Staff Response – Revise as suggested.

Question 12 – Sec. 19.43 Update the 'Commission' definition (Definition)

Town Staff Response – Clarify as the Historic Commission.

Question 12.A – Sec. 19.49 'Contributing Resource' not relevant with overhaul of historic preservation program (Definition/Consistency)

Town Staff Response – Delete the term and requirement as it was repealed.

Question 13 – Sec. 19.61 'Domicile Home Stand' does not appear in Ordinance ("mobile home stand"?)(Definition/Consistency)

Town Staff Response – Use "mobile home stand." Town will submit proposed mobile home park standards following State law.

Question 14 – Sec. 19.62 & 63 Combine separate driveway definitions with subheadings (Definition)

Town Staff Response – DRIVEWAY –

A. A vehicular accessway serving no more than two dwelling units on a single lot. All other vehicular access ways shall be considered roads.

B. For purposes of Article 14, Shoreland Zoning, a vehicular accessway less than 500 feet in length serving two single-family dwellings or one two-family dwelling, or less. In Shoreland areas, vehicular accessways longer than 500 feet must meet performance standards for roads.

Question 15 – Sec. 19.64 Missing word in 'Two-Family Dwelling' definition (Typographical)

Town Staff Response – Add the missing word. Clarify that the definition does not include a single-family dwelling with an accessory dwelling unit.

Question 16 – Sec. 19.78 'Flood Insurance Rate Map' definition revision needed (Definition)

Town Staff Response – Add "flood" to the phrase "special hazard area."

Question 17 – Sec. 19.85 'Floodway Encroachment Lines' definition but not used in Ordinance (Retention)

Town Staff Response – Delete the definition of the phrase that isn't used in the Ordinance.

Question 18 – Sec. 19.97 Clarification needed for which 'Board' deals with hazardous waste determinations (Terminology)

Town Staff Response – Clarify that the Planning Board reviews hazardous waste is the reviewing authority based on the context.

Question 19 – Sec. 19.100 ‘High Intensity Soil Survey’ professional requirements use ‘certified’ and ‘registered’ (Terminology/Consistency)

Town Staff Response – Use “licensed soil scientist” consistent with State law.

Question 19.A – Sec. 19.103 “Historic District” is no longer relevant with revised historic preservation program (Terminology/Consistency)

Town Staff Response – Drop the definition as the Ordinance no longer includes historic districts.

Question 20 – Sec. 19.117 ‘Liquidation Harvesting’ includes definition of ‘parcel.’ Both definitions will be updated (Terminology)

Town Staff Response – Delete separate definition of “parcel.”

Question 21 – Sec. 19.120 & 121 Consolidate the two definitions of ‘Mineral Extraction’ with subheadings (Terminology)

Town Staff Response – Revise to combine the definition with subheadings.

Question 22 – Sec. 19.133 Correct typo in ‘Mobile Home’ definition (Typo)

Town Staff Response – The Town will be submitting a draft of Article 16 to meeting statutory limitations on mobile home park regulations, including proposed definitions to be substituted in Article 1.

Question 23 – Sec. 19.136 Move mobile home park development standards to the substantive provisions & update them to meet State legal requirements (Consistency)

Town Staff Response – The Town will be submitting a draft of Article 16 to meeting statutory limitations on mobile home park regulations.

Question 24 – Sec. 19.156 ‘Personal Services’ SIC code correction (Typo)

Town Staff Response – Correct the typo.

Question 25 – Sec. 19.186 Revise ‘Small Borrow Pit’ to ‘Borrow Pit, Small’ so it follows ‘Borrow Pit’ (Consistency)

Town Staff Response – Revise as suggested.

Question 26 – Sec. 19.188 (A) & 189 (A) Combine ‘Stream’ definitions & use subheadings (Clarity/Consistency)

Town Staff Response – Combine with subheadings as suggested.

Question 27 – Sec. 19.192-196 Combine ‘Structure’ definitions into one with subheadings & drop ‘Structure Historic District’ (Consistency)

Town Staff Response – Combine with subheadings as suggested.

Question 28 – Sec. 19.195 (A) Recreational accessory structures defined but not used (Retention)

Town Staff Response – Delete term not used in the Ordinance.

Article 2 – Administration and Enforcement

Question 29 – Sec. 18.3.A Clarify whether business days or calendar days are used (Clarity/Consistency)

Town Staff Response – Change to business or working days in all instances involving administrative actions unless proscribed by State law. In all other instances use calendar days.

Question 30 – Sec. 18.4.B.1 Eliminate double negative on refunding of fees (Clarity/Grammar)

Town Staff Response – Eliminate the double negative.

Question 31 – Sec. 18.4.B.2 Drop list of permit application fees & use general statement (Clarity/Consistency)

Town Staff Response – Revise to delete list of fee items as suggested.

Question 32 – Sec. 18.5 Review violation penalties provisions in multiple sections & consider consolidation (Consistency/Legal)

Town Staff Response – Go with the general paragraph governing enforcement of violations. Eliminate any separate references to enforcement penalties in all other articles outside of Article 2.

Article 3 – Zoning Districts

Question 33 – Sec. 2.2 Check accuracy of listed zoning districts (Consistency)

Town Staff Response – The revisions to Article 2 that were adopted at the April 5, 2025 have been incorporated. The amendments included the following change to reflect the repeal of one of the overlay districts: (1) There are also ~~four~~ three overlay districts, which are imposed over certain sections of the above primary districts as shown on the Official Zoning Map. The Southwest Bend Historic District was removed from the list of overlay districts. Article 12 was retained but significantly revised. Section 12.1.C.(4)(e) still refers to a "certificate of appropriateness." This function has been repealed, and only advisory opinions are issued by the Historic Commission.

Question 34 – Sec. 2.3.A.6 Decide if Board of Appeals or Planning Board should interpret zoning district boundaries (Technical/ **Referred to Planning Board for Policy Discussion**)

Town Staff Response – Change to Planning Board in Article 3 & drop corresponding Board of Appeals power and duty in Article 11. This is one of 14 minor policy issues being presented to the Boards for input and direction. Staff recommend changing it to the Planning Board. DEP's Chapter 1000 specifies the Board of Appeals and Durham would seek approval of this change to the planning Board

Question 35 – Sec. 2.3.C If Southwest Historic District is repealed, delete boundaries description (Consistency)

Town Staff Response – Delete Subsection C(3).

Article 4 – Space and Bulk Requirements

Question 36 – Sec. 3.1 Review of Table of Land Uses for needed updates & missing uses (Consistency)

Town Staff Response – Add to the Table any land use mentioned in other articles, such as mobile home park. Classify any use other than single-family or two-family as a conditional use in the RRA, Limited Residential SZ, and Aquifer Protection Districts unless there is a conflict with State law (e.g., mobile home park).

Question 37 – Sec. 3.1 Typographical errors in ‘essential services’ and ‘public or private parks’, restaurants not in table of uses (Typos/Consistency)

Town Staff Response – Make suggested corrections. Add restaurants as conditional use in RRA and AP. Not permitted elsewhere.

Question 38 – Sec. 4.1 Check spatial standards for current requirements (Consistency)

Town Staff Response – Defer decision until after Code publication.

Question 39 – Sec. 4.1.A.4 & B.3 The standard for front setback conflicts with the definition (Consistency)

Town Staff Response – Revise Section 4.2A(4) to be consistent with Section 1.4 definition of front setback. Insert the following parenthetical statement:

(4) Minimum setbacks (where lot line abuts a road, setback is measured from the road right of way or easement line):

- (a) Front lot line residential: 50 ft.
- (b) Front lot line nonresidential: 100 ft.
- (c) Side lot line residential: 20 ft.
- (d) Side lot line nonresidential: 100 ft.
- (e) Rear lot line residential: 20 ft.
- (f) Rear lot line nonresidential: 100 ft.

Question 40 – Sec. 4.1.7 & 8 Check maximum number of dwelling units with State requirements (Legal)

Town Staff Response – We believe that our provisions for multiple dwelling units on individual lots are consistent with State law with the exception of the requirement that accessory dwelling units not be standalone structures. We will be revising the Ordinance to state that a standalone ADU is allowed, but in order to qualify for two accessory dwelling units on the same lot, they will both need to be accessory to a single family dwelling or an accessory building such as a garage or barn. That may necessitate revision of both Section 4.2 and 5.1.

Article 5 – Performance Standards

Question 41 – Sec. 5.1 Check definition & consistency with State requirements for accessory dwelling units (Legal)

Town Staff Response – Change the term "accessory apartment" to "accessory dwelling unit" throughout the Ordinance to be consistent with 30-A 4364-B. Amend Subsection 5.1(C) to add the following statement: "An accessory dwelling unit, including tiny homes as defined in 29-A MRSA § 101(80-C), may be constructed or altered as a building for the primary purpose of creating an accessory building, but notwithstanding the provisions of Section 4.2(A)(8), the maximum number of dwelling units shall be two (2)."

Question 42 – Sec. 5.2 Clarify which roads require driveway permits (Clarity/ Referred to Planning Board for Policy Discussion)

Town Staff Response – This section applies to new or modified driveway and commercial entrances on all roads under the jurisdiction of the Road Commissioner and Planning Board. This includes roads in approved subdivisions and private ways but excludes roads under the jurisdiction of the Maine Department of Transportation. We will be providing an overhauled draft of Section 5.2 to the Boards for review as a minor policy issue. The access management provisions will apply to all roads maintained by the Town or approved by the Planning Board as a subdivision or private way.

Question 43 – Sec. 5.2 Compare the driveway standards with the street standards for consistency. Consider consolidating driveway and street standards in one section (Clarity/Consistency)

Town Staff Response – The Town will be providing a proposed revision of both Access Management and Appendix 1. This will be a minor policy issue reviewed by the Boards. Once the drafts are provided, reconcile any inconsistencies between the two sets of provisions such as those mentioned on sight distances. Section 5.2 applies to construction of driveways on all roads, while Appendix 1 refers to construction of new roads, primarily in subdivisions. Both new roadways and new driveways need to meet safe exiting and entering sight distances, and those listed in Section 5.2 and Appendix 1 should be consistent.

Question 44 – Sec. 5.2B.1 & D.4 Driveway grade standards vary in different sections. (Clarity/Consistency)

Town Staff Response – Consolidate into one provision with a maximum grade within the road right of way of 3% and a maximum grade of 12% outside the right of way. Add the following qualifier: "Where a driveway combines steep grades with horizontal curvature, the horizontal curve radius shall be maximized to ensure adequate sight distance, vehicle control, and safe operation under all weather conditions, especially for emergency and service vehicles. Sharp curves shall be avoided on or immediately adjacent to steep grades. We are preparing a draft amended version of Section 5.2 that will contain additional revisions. Once that is submitted, check to reconcile any discrepancies between our proposed revisions and this change.

Question 45 – Sec. 5.2.D Reference to the latest MDOT construction standards should be added (Consistency)

Town Staff Response – Revise as follows: . . . MDOT type "D" specifications, Revision of December 2002 or latest revision.

Question 46 – Sec. 5.2.D.8 The driveway grading standards reference the repealed 'Town Excavation Ordinance.' Will now reference Extractive Industries & Gravel Pit Article. (Consistency)

Town Staff Response – Acknowledged.

Question 47 – Sec. 5.2.E The Town has no sidewalks and does not require them but has standards in access management (Policy/Consistency)

Town Staff Response – Again, check against the draft we are preparing and will be submitting.

Question 48 – Sec. 5.2.F Driveway erosion controls duplicate erosion control provisions (Consistency)

Town Staff Response – Revise to simply reference erosion control section.

Question 49 – Sec. 5.6.A Outdated statutory reference for automobile graveyards (Consistency/Legal)

Town Staff Response – Update citation.

Question 50 – Sec. 5.6.B Cross reference automobile graveyard provision with flood regulations (Consistency)

Town Staff Response – Insert reference to Floodplain Management Article.

Question 51 – Sec. 5.6.C Incorrect statutory reference in junkyard standards (Typo)

Town Staff Response – Correct statutory reference.

Question 52 – Sec. 5.7 Back lot access and private way standards jumbled together (Consistency/ **Referred to Planning Board for Policy Discussion**)

Town Staff Response – As another of the minor policy issues to be considered in a separate warrant article, we will be proposing to move the provisions of Section 5.7. to Section 5.24. We will provide new versions of both sections after they have been vetted by the boards and public input in the fall. Staff will propose splitting the provisions for a single back lot and the provisions for multiple back lots. The latter will be moved from Section 5.7 to Section 5.24, which will be reworked for changes to provide for review of "private ways" by the Planning Board. We have drafted both sections and will be reviewing them with the boards.

Question 53 – Sec. 5.13 Need updated standards for campgrounds to address RV parks (Consistency/ **Referred to Planning Board for Policy Discussion**)

Town Staff Response – Another of the minor policy issues to be vetted by the boards and included in a separate warrant article.

Question 54 – Sec. 5.14 Clarify which "Board" reviews groundwater extraction (Clarity)

Town Staff Response – Change to Planning Board.

Question 55 – 5.15 Update historic preservation standards in Section 5.15 per 2025 Town Meeting results (Consistency)

Town Staff Response – Revisions per April 5, 2025 Town Meeting already incorporated. We need to delete all references to a "certificate of appropriateness" as the Historic Commission will only issue advisory opinions.

Question 56 – Sec. 5.16 Home-based business standards & definition inconsistencies (Consistency/Definitions)

Town Staff Response – Revise to allow home based businesses in both principal structure and accessory structures.

Question 57 – Sec. 5.17 Review general landscaping standards vs. site plan review standards (Consistency/ **Referred to Planning Board for Policy Discussion**)

Town Staff Response – This another minor policy we will be presenting to the boards. We will be looking at whether buffering requirements should be applied to properties surrounding a designated historic site and/or along a new subdivision road going in beside a residence. Depending on public input and board direction, this general landscaping provision may be dropped entirely while retaining the specialized buffer and screening requirements of other articles. Like most rural towns, Durham doesn't require buffers between residential uses. Two situations where this question has been raised are with new subdivision roads being installed along a residential property. A 50-foot buffer is required between the development and an existing roadway, but no buffer is required

between the new road and an existing residence. The prior historic preservation program required a 25-foot buffer on property boundaries with an historic property, and during public discussion, contrasting views were expressed over whether such buffers are necessary. The boards and commissions will be reviewing this issue as one of the minor policy decisions.

Question 58 – Sec. 5.18 Review general lighting standards vs. site plan review standards (Consistency)

Town Staff Response – The general lighting standard applies to all properties. The standards of Article 8 only apply to projects subject to Planning Board review. We will review them for consistency. An issue came up repeatedly during discussion of battery energy storage and solar farms about the need to address light attraction of brown tail moths. Amendments for this and dark skies will be presented to the Planning Board for consideration as a minor policy issues.

Question 59 – Sec. 5.19 Revise mobile home park standards per State law (Legal)

Town Staff Response – We will be providing a draft revision to bring Durham into compliance with statutory limitations.

Question 60 – Sec. 5.20 Noise standard text refers to abutting land use standards in a table, but none are indicated in the table (Consistency/**Referred to Planning Board for Policy Discussion**)

Town Staff Response –For each of those items I have indicated our intent to develop draft Ordinance amendments by the end of the year to incorporate minor policy changes in the upcoming codification. The requirements for enforceable regulation of noise requires additional research that will be presented to the Planning Board as a minor policy issue.

Question 61 – Sec. 5.20 Noise limit standards are outdated (Legal/ **Referred to Planning Board for Policy Discussion**)

Town Staff Response – Same as prior response.

Question 62 – Sec. 5.23 Restaurant and food service definitions needed (Consistency/Definition)

Town Staff Response – Use versions of #2 (restaurant) and #3 (restaurant, fast food). Modify #4 (restaurant, take-out) by eliminating all aspects that overlap with fast-food and make provision for seasonal outdoor seating. Make any needed adjustments to the Table of Land Uses.

Question 63 – Sec. 5.24 Inconsistent & confusing policies over the approval of back lot access roads (Consistency/ **Referred to Planning Board for Policy Discussion**)

Town Staff Response – We will be submitting a revised version of 5.23 (now 5.24) to apply to "private ways," which are currently treated as "multiple back lots" in Section 5.7B. This is another of the minor policy changes that will be subjected to public input and board reviews.

Question 64 – Sec. 5.26 Update definition of official business directional signs (Consistency/Definition)

Town Staff Response – Add clarification of uses for official business directional signs administered by MDOT.

Question 65 – Sec. 5.25 Inconsistent references to ‘Code Officer’ and ‘Code Enforcement Officer’ (Consistency)

Town Staff Response – Use Code Enforcement Officer throughout.

Question 66 – Sec. 5.27 Possible addition of standards for outside storage (Standards)

Town Staff Response – Do not revise.

Question 67 – Sec. 5.28 Check State standards for underground storage of petroleum products (Standards/Legal)

Town Staff Response – Modify to remove Durham's specific standards and require compliance with the state's requirements (with citation).

Question 68 – Sec. 5.31 Update vibrations standards (Standards)

Town Staff Response – Correct typo in vibrations range.

Question 69 – Sec. 5.32 Adjustments to 'holding tank' regulations (Terminology/Clarity)

Town Staff Response – Drop word “application” to clarify that holding tanks must comply with the regulations.

Article 6 – Subdivision of Land

Question 70 – Sec. 6.4 Consistency of terms ‘Code Officer’ and ‘Code Enforcement Officer’, transition to Town Planner position (Terminology)

Town Staff Response – Use Code Enforcement Officer throughout.

Question 71 – Sec. 6.6.B Address payment methods and update fee payment language (Terminology/Clarity)

Town Staff Response – Allow multiple forms of payment.

Question 72 – Sec. 6.7 Redundancy in stated requirement for printed copies, review policy per digital submissions (Retention/**Referred to Planning Board for Policy Discussion**)

Town Staff Response – Change the number of printed copies to five and deadline to 21 days.

Question 73 – Sec. 6.7.C.11 Preliminary plan topography details typo (Typo)

Town Staff Response – Add “foot” to “two contours.”

Question 74 – Sec. 6.7.C.12 Farmland soils mapping details typo (Typo)

Town Staff Response – Change “if” to “of” for size of farmland areas to be mapped.

Question 75 – Sec. 6.9.B.21 Use of State stormwater & erosion control manuals as performance standards (Legal)

Town Staff Response – We will be checking with the Town Attorney to confirm the legality and enforceability of using the DEP guidelines and performance standards. MMA legal staff has confirmed that provisions of the DEP manuals are enforceable if included as approval conditions.

Question 76 – Sec. 6.18.C.2 Street naming standards in subdivision versus addressing article (Consistency)

Town Staff Response – Eliminate street naming standards in subdivision regulations & refer to addressing Article.

Question 77 – Sec. 6.21.D.2 Duplication of clearing standards in subdivision & shoreland zoning articles (Retention)

Town Staff Response – Eliminate buffering standards for shoreland areas in subdivision regulations & refer to shoreland zoning article.

Question 78 – Sec. 6.28 Check consistency of stormwater submission requirements & standards (Consistency)

Town Staff Response – The submission requirements explain when those plans are required. The later performance standards on those issues explain how they are applied.

Question 79 – Sec. 6.32.E Inconsistent use of terms ‘lot owners’ and ‘homeowners’ association. (Consistency)

Town Staff Response – Change "lot owners' association" to "homeowners' association" throughout Chapter 250.

Question 80 – Sec. 6.35.C Inconsistent use of terms ‘design’ and ‘performance’ standards. (Consistency)

Town Staff Response – Change “design standards” to “performance standards.”

Article 8 – Site Plan Review

Question 81 – Sec. 8.1 Multi-family housing mentioned in site plan review but not a permitted or conditional use (Retention)

Town Staff Response – Drop multi-family housing from site plan review requirements.

Question 82 – Sec. 8.4.D Clarify notice to abutters in site plan review reference to conditional use (Clarify)

Town Staff Response – Revise to notify abutters of “development” application rather than “conditional use.”

Question 83 – Sec. 8.4.K Clarify amended site “plans” vs. “permits” when reviewing proposed changes (Terminology)

Town Staff Response – Change to amended “site plan.”

Article 9 – Road Names and Building Numbers

Question 84 – Sec. 9.10 Check penalties for violation of addressing requirements (Legal)

Town Staff Response – Drop this section and rely on the general enforcement provisions.

Article 10 – Nonconforming Uses, Structures and Lots (Referred to Planning Board for Policy Discussion)

Question 85 – Sec. 16.5.C Typographical error in nonconforming structures ‘lighting’ vs. ‘lightning’ (Typo)

Town Staff Response – Change to “lighting.”

Question 86 – Sec. 16.5.C Awkward wording of nonconforming provision (Grammar)

Town Staff Response – The current regulations for expansions of non-conforming uses and buildings are confusing and inappropriate for a low-density, rural community like Durham. We will be proposing a major overhaul of those parts of Article 16 to align with Durham's development conditions.

Article 11 – Board of Appeals

Question 87 – Sec. 17.1.B Clarify Board of Appeals alternate member voting status (Clarify)

Town Staff Response – Clarify that alternate members vote in the absence of regular members when appointed by the Chairman.

Question 88 – Sec. 17.1.B Clarify service terms of Board of Appeals alternates (Clarify)

Town Staff Response – Same as regular members. Clarify need for appointment as a regular member by the Select Board.

Question 89 – Sec. 17.1.5.A Align quorum with number of Board members (Consistency)

Town Staff Response – Revise as follows: A quorum shall consist of ~~four~~ three members of the Board. . . .

Question 90 – Sec. 17.9 Revise per 2017 statutory changes on reconsideration of decisions (Legal)

Town Staff Response – Update per the changes to State law.

Article 12 – Historic Districts (Review based on prior Ordinance)

Question 91 – Sec. 12.2 Revise per Town Meeting amendments (Consistency)

Question 92 – Sec. 12.2 Revise to separate eliminate terms provisions of initial Commission formation members (Retention)

Question 93 – Sec. 12.3 Review and consider updating process & criteria for establishing districts (Technical/Update)

Question 94 – Sec. 12.3.G Both establishment and expansion of districts refer to 'expansion' procedure (Consistency)

Question 95 – Sec. 12.6.B. Add the word 'consistent' to the allowance for required safety modifications (Clarity)

Question 96 – Sec. 12.7.D Check penalties for violation of historic preservation requirements (Legal/Policy/Retention)

Article 13 – Aquifer Protection

Question 97 – Sec. 10.2 Reorganize the content for better indexing (Organization)

Town Staff Response – Reorganize content as suggested.

Question 98 – Sec. 10.2.A Missing unit modifier for maximum contamination level for nitrates.
(Technical/Typo)

Town Staff Response – Add milligrams per liter to the number 50 for maximum nitrate level.

Question 99 – Sec. 10.2.C Mixed use of ‘groundwater protection district’ and ‘aquifer protection district.’
(Consistency)

Town Staff Response – Change groundwater protection district to aquifer protection district throughout.

Question 100 – Sec. 10.2.E.2 Outdated reference to State guidelines for manure & sludge disposal.
(Technical/Update)

Town Staff Response – Revise to change "Maine Guidelines for Manure and Manure Sludge Disposal on Land (Maine Soil and Water Conservation Commission, 1972)" to "Manure Utilization Guidelines (Maine Department of Agriculture Conservation and Forestry)" wherever the title appears in this article.

Question 101 – Sec. 10.2.F.2 Missing word in sentence on maintenance of vehicles & heavy equipment.
(Technical/Update)

Town Staff Response – Add missing word “or.”

Article 14 – Shoreland Zoning

Question 102 – Article 9 Check against requirements of DEP’s Chapter 1000. (Technical/Update)

Town Staff Response – Acknowledged.

Question 103 – Article 9 Suggestion to add language from Chapter 1000 on interpretation of district boundaries. (Technical/Update)

Town Staff Response – Do not revise (covered in zoning districts article).

Article 15 – Floodplain Management

Question 104 – Art 11: Floodplain Management Reviewed Ordinance against DACF 2023 model floodplain management ordinance. (Technical/Update)

Town Staff Response – Acknowledged.

Question 105 – Sec. 11.1 Need added reference to statute. (Technical/Update)

Town Staff Response – Add the reference.

Question 106 – Sec. 11.1 Update to reference the latest FEMA study and Flood Insurance Rate Map.
(Technical/Update)

Town Staff Response – Update the reference.

Question 107 – Sec. 11.3.H Update to reference the North American Vertical Datum. (Technical/Update)

Town Staff Response – Update the reference.

Question 108 – Sec. 11.3.H Add a definition of North American Vertical Datum. (Technical/Update)

Town Staff Response – Add the definition.

Question 109 – Sec. 11.3.H.5 Add standard for “lowest machinery and equipment servicing the building” from the state model. (Technical/Update)

Town Staff Response – Add the standard.

Question 110 – Sec. 11.3.H.1.a Update the Flood Insurance Study citation (Technical/Update)

Town Staff Response – Update the citation.

Question 111 – Sec. 11.3.H.1.b Update the provisions for determining based flood elevations (Technical/Update)

Town Staff Response – Update the provisions.

Question 112 – Sec. 3.11.H.1.b.1 Update the provisions to eliminate references to specific revision dates (Technical/Update)

Town Staff Response – Update the provisions.

Question 113 – Sec. 11.3.J Update the provisions to be consistent with State language on required certifications (Technical/Update)

Town Staff Response – Update the provisions.

Question 114 – Sec. 11.3.K.1 Update the provisions reference the current FEMA forms (Technical/Update)

Town Staff Response – Update the provisions.

Question 115 – Sec. 11.5.B.1 Update the Flood Insurance Study citation (Technical/Update)

Town Staff Response – Update the provisions.

Question 116 – Sec. 11.5.B.3 Update for elimination of State Planning Office as reviewing agency (Technical/Update)

Town Staff Response – Update the proper State agency.

Question 117 – Sec. 11.6 Add new State model ordinance standards for utility service equipment elevations and hydrological analysis to determine whether proposed a project changes base flood levels (Technical/Update)

Town Staff Response – Add the new State model ordinance standards.

Question 118 – Sec. 11.6.F.2 Add new State model ordinance alternative method for establishing lowest floor elevation (Technical/Update)

Town Staff Response – Add new State model ordinance alternative method.

Question 119 – Sec. 11.6.I Consider including Zone A as well as Zone AE for recreational vehicles (Technical/Update)

Town Staff Response – Include Zone A.

Question 120 – Sec. 11.6.J Update to new State model ordinance standards for accessory structures (Technical/Update)

Town Staff Response – Update to new State model ordinance standards.

Question 121 – Sec. 11.6.K.2.b Update to new State model ordinance FEMA guidelines for flood risk analysis and mapping (Technical/Update)

Town Staff Response – Update to new State model ordinance guidelines.

Question 122 – Sec. 11.6.N Consider adding a definition of ‘containment wall’ as used in flood regulations (Technical/Update)

Town Staff Response – Add the definition of “containment wall”

Question 123 – Sec. 11.6.O Update to new State model ordinance standard for docks in flood zones (Technical/Update)

Town Staff Response – Update to new State model ordinance standards.

Question 124 – Sec. 11.9 Consider adding new State model ordinance language for variances for agricultural structures (Technical/Update)

Town Staff Response – Add new State model ordinance language.

Article 16 – Mobile Home Parks

Question 125 – Art 15 Multiple changes required by State laws governing regulation of mobile home parks (Legal/Update)

Town Staff Response – Acknowledged.

Question 126 – Sec. 15.4.B.8 Missing words in requirement for soil survey (Grammar)

Town Staff Response – Add missing words.

Question 127 – Sec. 15.5.A.4 Change ‘sight development’ to ‘site development’ (Grammar)

Town Staff Response – Change to “site development.”

Question 128 – Sec. 15.5.A.7 State law prohibits requiring underground utilities in mobile home parks (Legal)

Town Staff Response – Drop language requiring underground utilities.

Question 129 – Sec. 15.5.A.8 Change mobile home park ‘purposed’ to ‘proposed’ (Grammar)

Town Staff Response – Change word to “proposed.”

Question 130 – Sec. 15.6.E Delete definite article ‘the’ in reference to mobile home lot size requirement (Grammar)

Town Staff Response – Delete the definite article.

Question 131 – Sec. 15.6.E State law prohibits requiring 40,000 sq. ft. lots for mobile homes in mobile home parks (Legal)

Town Staff Response – The Town's rules on mobile home parks will need overhaul to be consistent with State limitations on home rule authority.

Question 132 – Sec. 15.6.F State law prohibits applying subdivision road standards in mobile home parks (Legal/Technical)

Town Staff Response – See attached draft mobile home park Article that follows the State requirements.

Question 133 – Sec. 15.7.A.1 Update reference to Department of Health and Human Services (Consistency)

Town Staff Response – Update the State agency title.

Question 134 – Sec. 15.7.C.2 State law prohibits requiring underground utilities in mobile home parks (Legal)

Town Staff Response – Delete the requirement for underground utilities.

Question 135 – Sec. 15.10 Check penalties for violation of mobile home park regulations (Legal)

Town Staff Response – Drop violations & penalties & go with general provisions.

Article 17 – Extractive Industries and Gravel Pits

Question 136 – Sec. 14. 3 Incomplete sentence on establishing exempt excavation activities (Grammar)

Town Staff Response – Complete the sentence as proposed.

Question 137 – Sec. 14.5.E Misspelling of word ‘prescribed’ (Grammar)

Town Staff Response – Correct misspelling.

Question 138 – Sec. 14.6.I Grammatical errors in statements establishing allowable and prohibited times of activities (Grammar)

Town Staff Response – Correct the grammatical errors.

Question 139 – Sec. 14.7 Update title of ‘Town Administrator’ to ‘Town Manager’ (Technical/Update)

Town Staff Response – Change to “Town Manager.”